

GENERAL PROVISIONS

CHAPTER 50

HOUSE BILL NO. 1045

(Legislative Council)
(Judiciary Committee)

TECHNICAL CORRECTIONS ACT

AN ACT to create and enact a new subsection to section 57-15-10 of the North Dakota Century Code, relating to correct placement of a reference to a city band levy; to amend and reenact sections 1-04-09, 1-08-08, 4-24-10, 9-10-06, subsection 10 of section 10-04-06, sections 10-06.1-12, 10-06.1-13, 10-19.1-05, subsections 3, 4, and 5 of section 10-19.1-10, sections 10-19.1-11, 10-19.1-23, subsection 4 of section 10-19.1-61, subsections 2 and 3 of section 10-19.1-75.2, subsection 2 of section 10-19.1-99, subsection 4 of section 10-19.1-100, subsection 2 of section 10-19.1-101, subsection 4 of section 10-19.1-103, subsection 2 of section 10-19.1-106, subsection 1 of section 10-19.1-108, sections 10-19.1-110.1, 10-19.1-112, 10-19.1-113.1, 10-19.1-129, 10-30-05, subsection 1 of section 10-30.1-04, section 10-30.5-04, subsections 2, 3, and 4 of section 10-32-07, subdivision b of subsection 5 of section 10-32-56, subsection 4 of section 10-32-107, subdivision j of subsection 5 of section 10-33-06, subsection 24 of section 10-33-21, subsection 3 of section 11-10.2-01, subdivision b of subsection 3 of section 12.1-32-15, section 16.1-01-07, subsection 3 of section 16.1-08.1-01, sections 18-08-12, 20.1-08-04.6, 21-10-06, subsection 2 of section 23-06.4-03, subsection 2 of section 23-06.5-10, subsection 12 of section 25-03.1-02, sections 26.1-17-02, 26.1-17-33, subsection 1 of section 26.1-18.1-02, subsection 1 of section 26.1-19-04, sections 26.1-49-03, 28-04-05.1, 29-12-05, 30.1-15-02, 30.1-29-26, 32-03-36, 36-01-08.1, 37-15-16, 37-15-17, 37-15-21, 38-08.1-03, subsection 3 of section 38-08.1-03.1, sections 40-51.2-05, 40-57.1-05, subsection 4 of section 41-09-16, sections 42-04-01, 43-07-19, subsection 10 of section 43-17-02, subsection 1 of section 43-17.1-06, subdivision h of subsection 1 of section 45-10.1-02, section 47-10.1-02, subsection 1 of section 47-15.1-03, subsection 3 of section 50-06-01.8, section 51-14-03.2, subsection 5 of section 53-06.2-11, subsection 1 of section 54-40-01, section 57-15-08, subdivision b of subsection 2 of section 57-35.3-05, sections 61-04.1-13, 61-04.1-14, 61-21-47, and 61-35-25 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; and to repeal sections 10-19.1-03, 10-19.1-131, 14-02.1-06, 28-32-22, and chapter 61-24.4 of the North Dakota Century Code, relating to obsolete provisions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 1-04-09 of the North Dakota Century Code is amended and reenacted as follows:

1-04-09. Curing defects in title to real property. Any corporation organized otherwise than under the laws of this state, having acquired, or attempted to acquire, or to convey legal title by deed or lease to any real property in this state, before complying with the provisions of ~~chapter 40-22 of title 40 North Dakota law governing foreign corporations,~~ which prior to July 1, 1959, has complied with ~~said chapter,~~ those laws ~~is relieved from any disability provided in said chapter or prohibition therein contained,~~ so far as ~~said statute relates~~ relating to the acquisition and holding of the property so acquired, or attempted to be acquired, and the title so acquired, or attempted to be acquired, hereby is confirmed.

SECTION 2. AMENDMENT. Section 1-08-08 of the North Dakota Century Code is amended and reenacted as follows:

1-08-08. Validation of land titles acquired by corporations ~~prior to~~ before March 7, 1935. The title and ownership of any real estate acquired in any manner by any domestic or foreign corporation after July 29, 1932, and ~~prior to~~ before March 7, 1935, is ~~hereby~~ declared to be valid for all purposes, subject, however, to ~~all of the provisions contained in chapter 40-06~~ 10-06.1.

SECTION 3. AMENDMENT. Section 4-24-10 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-24-10. Agricultural commodity promotion groups to report to legislative assembly - Report contents. Between the first and tenth legislative day of each regular legislative session, the North Dakota potato council, the North Dakota oilseed council, the North Dakota dry bean council, the North Dakota barley council, the North Dakota soybean council, the North Dakota corn utilization council, the North Dakota beekeepers association, the North Dakota turkey federation, the North Dakota milk ~~stabilization~~ marketing board, the North Dakota dairy promotion commission, the North Dakota state wheat commission, and the North Dakota beef commission must file a uniform report at a public hearing before the standing agriculture committee of each house of the legislative assembly. The presiding officer of each house of the legislative assembly may direct that the reports be filed with some other standing committee of that house. Each report must contain a summary of the activities of the commodity group during the current biennium, a single-page uniform statement of revenues and expenditures for the next biennium. Each report, except the reports of the North Dakota beekeepers association and the North Dakota turkey federation, must also include a state auditor's report on the commodity group's single-page uniform statement of revenues and expenditures for the previous two fiscal years.

SECTION 4. AMENDMENT. Section 9-10-06 of the North Dakota Century Code is amended and reenacted as follows:

9-10-06. Willful acts and negligence - Liability. ~~Everyone~~ A person is responsible not only for the result of ~~his~~ the person's willful acts but also for an injury occasioned to another by ~~his~~ the person's want of ordinary care or skill in the management of ~~his~~ the person's property or ~~person self.~~ The extent of the liability in such cases is defined by sections 32-03-01 ~~to 32-03-19,~~ inclusive through 32-03-18.

¹⁵ **SECTION 5. AMENDMENT.** Subsection 10 of section 10-04-06 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10. The sale of capital stock of a corporation or membership interests of a limited liability company may be exempted by the securities commissioner if the corporation or limited liability company is organized under chapter 10-30 or approved by the small business administration as qualifying for loans under section 502 of the Small Business Investment Act of 1958, as amended; or the sale of memberships, including dues, in a nonprofit corporation incorporated ~~under chapter 40-24~~ in North Dakota may be exempted by the securities commissioner if the corporation is organized and operated for the primary purpose of promoting community development.

¹⁶ **SECTION 6. AMENDMENT.** Section 10-06.1-12 of the North Dakota Century Code is amended and reenacted as follows:

10-06.1-12. Corporation or limited liability company allowed to engage in the business of farming or ranching - Requirements. This chapter does not prohibit a domestic corporation or a domestic limited liability company from owning real estate and engaging in the business of farming or ranching, if the corporation ~~or limited liability company~~ meets all the requirements of chapter 10-19.1; ~~40-23~~, or the limited liability company meets all the requirements of chapter 10-32 which are not inconsistent with this chapter. The following requirements also apply:

1. If a corporation, the corporation must not have more than fifteen shareholders. If a limited liability company, the limited liability company must not have more than fifteen members.
2. Each shareholder or member must be related to each of the other shareholders or members within one of the following degrees of kinship or affinity: parent, son, daughter, stepson, stepdaughter, grandparent, grandson, granddaughter, brother, sister, uncle, aunt, nephew, niece, great-grandparent, great-grandchild, first cousin, or the spouse of a person so related.
3. Each shareholder or member must be an individual or one of the following:
 - a. A trust for the benefit of an individual or a class of individuals who are related to every shareholder of the corporation or member of the limited liability company within the degrees of kinship or affinity specified in this section.
 - b. An estate of a decedent who was related to every shareholder of the corporation or member of the limited liability company within the degrees of kinship or affinity specified in this section.

¹⁵ Section 10-04-06 was also amended by section 5 of House Bill No. 1144, chapter 92, and section 1 of House Bill No. 1154, chapter 94.

¹⁶ Section 10-06.1-12 was also amended by section 1 of Senate Bill No. 2271, chapter 95.

4. A trust or an estate may not be a shareholder or member if the beneficiaries of the trust or the estate together with the other shareholders or members are more than fifteen in number.
5. Each individual who is a shareholder or member must be a citizen of the United States or a permanent resident alien of the United States.
6. If a corporation, the officers and directors of the corporation must be shareholders who are actively engaged in operating the farm or ranch and at least one of its shareholders must be an individual residing on or operating the farm or ranch. If a limited liability company, the governors and managers of the limited liability company must be members who are actively engaged in operating the farm or ranch and at least one of its members must be an individual residing on or operating the farm or ranch.
7. An annual average of at least sixty-five percent of the gross income of the corporation or limited liability company over the previous five years, or for each year of its existence, if less than five years, must have been derived from farming or ranching operations.
8. The income of the corporation or limited liability company from nonfarm rent, nonfarm royalties, dividends, interest, and annuities cannot exceed twenty percent of the gross income of the corporation or limited liability company.

¹⁷ **SECTION 7. AMENDMENT.** Section 10-06.1-13 of the North Dakota Century Code is amended and reenacted as follows:

10-06.1-13. Applicability of North Dakota Business Corporation Act. ~~Chapters Chapter~~ Chapter 10-19.1 ~~and 40-23~~ are is applicable to farming or ranching corporations, which have the powers and privileges and are subject to the duties, restrictions, and liabilities of other business corporations except when inconsistent with the intent of this chapter. This chapter takes precedence in the event of any conflict with the provisions of ~~chapters chapter~~ chapter 10-19.1 ~~and 40-23~~.

¹⁸ **SECTION 8. AMENDMENT.** Section 10-19.1-05 of the North Dakota Century Code is amended and reenacted as follows:

10-19.1-05. Retention of two-thirds majority.

1. If the articles of a corporation described in section 10-19.1-02 or 10-19.1-03 do not contain a provision specifying the proportion of the voting power of the shares required for approval of amendments to the articles, plans of merger or exchange, or sales of assets, a shareholder or shareholders holding more than one-third of the voting power of all the shares entitled to vote for any or all of the above-mentioned actions ~~may~~, by signed written demand filed in duplicate original with the

¹⁷ Section 10-06.1-13 was also amended by section 2 of Senate Bill No. 2271, chapter 95.

¹⁸ Section 10-19.1-05 was also amended by section 6 of Senate Bill No. 2271, chapter 95.

secretary of state, along with the fees provided in ~~chapter 10-23~~ section 10-19.1-147, may amend the articles of the corporation to include a provision requiring the approval of the holders of two-thirds of the voting power of the shares entitled to vote for any or all of the above-mentioned actions for which no required majority was specified, notwithstanding any provisions of section 10-19.1-19, 10-19.1-98, or 10-19.1-104 to the contrary. Notice that the demand has been filed must be given by the shareholder to an officer of the corporation, but failure to give the notice does not invalidate the demand.

2. A shareholder or shareholders holding more than one-third of the voting power of the shares entitled to vote for dissolution of a corporation described in section 10-19.1-02 or 10-19.1-03 ~~may~~, by signed written demand filed in duplicate original with the secretary of state, along with the fees provided in ~~chapter 10-23~~ section 10-19.1-147, may amend the articles of the corporation to include a provision requiring the approval of the holders of two-thirds of the voting power of all the shares for the authorization of the dissolution of the corporation, notwithstanding the provisions of section 10-19.1-107. Notice that the demand has been filed must be given by the shareholder to an officer of the corporation, but failure to give the notice does not invalidate the demand.
3. A signed written demand by the shareholders of a corporation pursuant to subsection 1 or 2 is valid only if filed with the secretary of state before July 1, 1986.

¹⁹ **SECTION 9. AMENDMENT.** Subsections 3, 4, and 5 of section 10-19.1-10 of the 1997 Supplement to the North Dakota Century Code are amended and reenacted as follows:

3. The following provisions govern a corporation unless modified in the articles:
 - a. A corporation has general business purposes as provided in section 10-19.1-08.
 - b. A corporation has perpetual existence and certain powers as provided in section 10-19.1-26.
 - c. The power to adopt, amend, or repeal the bylaws is vested in the board as provided in section 10-19.1-31.
 - d. The affirmative vote of a majority of directors present is required for an action of the board as provided in section 10-19.1-46.
 - e. A written action by the board taken without a meeting must be signed by all directors as provided in section 10-19.1-47.

¹⁹ Section 10-19.1-10 was also amended by section 7 of Senate Bill No. 2271, chapter 95.

- f. The board may authorize the issuance of securities and rights to purchase securities as provided in subsection 1 of section 10-19.1-61.
- g. All shares are common shares entitled to vote and are of one class and one series as provided in subdivisions a and b of subsection 2 of section 10-19.1-61.
- h. All shares have equal rights and preferences in all matters not otherwise provided for by the board as provided in subdivisions a and b of subsection 2 of section 10-19.1-61.
- i. The par value of shares is fixed at one cent per share for certain purposes and may be fixed by the board for certain other purposes as provided in subdivisions a and b of subsection 2 of section 10-19.1-61.
- j. The board or the shareholders may issue shares for any consideration or for no consideration to effectuate share dividends or splits and determine the value of nonmonetary consideration as provided in subsection 1 of section 10-19.1-63.
- k. Shares of a class or series may not be issued to holders of shares of another class or series to effectuate share dividends or splits, unless authorized by a majority of the voting power of the shares of the same class or series as the shares to be issued as provided in subsection 1 of section 10-19.1-63.
- l. A corporation may issue rights to purchase securities whose terms, provisions, and conditions are fixed by the board as provided in section 10-19.1-64.
- m. The affirmative vote of the holders of a majority of the voting power of the shares present and entitled to vote at a duly held meeting is required for an action of the shareholders, except where this chapter requires the affirmative vote of a majority of the voting power of all shares entitled to vote as provided in subsection 1 of section 10-19.1-74.
- n. Shares of a corporation acquired by the corporation may be reissued as provided in subsection 1 of section 10-19.1-93.
- o. An exchange need not be approved by shareholders of the acquiring corporation unless the outstanding shares entitled to vote of that corporation will be increased by more than twenty percent immediately after the exchange as provided in subdivision c of subsection 3 of section 10-19.1-98.
- p. An exchange need not be approved by shareholders of the acquiring corporation unless the outstanding participating shares of that corporation will be increased by more than twenty percent immediately after the exchange as provided in subdivision d of subsection 3 of section 10-19.1-98.

- q. Each share has one vote unless otherwise provided in the terms of the share as provided in subsection ~~3~~ 5 of section ~~10-19.1-77~~ 10-19.1-73.2.
 - r. The board may effect share dividends, divisions, and combinations under certain circumstances without shareholder approval as provided in section 10-19.1-61.1.
4. The following provisions govern a corporation unless modified either in the articles or in the bylaws:
- a. A director serves for an indefinite term that expires upon the election and qualification of a successor as provided in section 10-19.1-35.
 - b. The compensation of directors is fixed by the board as provided in section 10-19.1-37.
 - c. The method provided in section 10-19.1-41 or 10-19.1-41.1 must be used for removal of directors.
 - d. The method provided in section 10-19.1-42 must be used for filling board vacancies.
 - e. If the board fails to select a place for a board meeting, it must be held at the principal executive office as provided in subsection 1 of section 10-19.1-43.
 - f. A director may call a board meeting, and the notice of the meeting need not state the purpose of the meeting as provided in subsection 3 of section 10-19.1-43.
 - g. A majority of the board is a quorum for a board meeting as provided in section 10-19.1-45.
 - h. A committee must consist of one or more persons, who need not be directors, appointed by affirmative vote of a majority of the directors present as provided in subsection 2 of section 10-19.1-48.
 - i. The board may establish a special litigation committee as provided in section 10-19.1-48.
 - j. Officers may delegate some or all of their duties and powers, if not prohibited by the board from doing so as provided in section 10-19.1-59.
 - k. Regular meetings of shareholders need not be held, unless demanded by a shareholder under certain conditions as provided in section 10-19.1-71.
 - l. No fewer than ten nor more than fifty days' notice is required for a meeting of shareholders as provided in subsection 3 of section 10-19.1-73.

- m. The number of shares required for a quorum at a shareholders' meeting is a majority of the voting power of the shares entitled to vote at the meeting as provided in section 10-19.1-76.
 - n. The board may fix a date up to fifty days before the date of a shareholders' meeting as the date for the determination of the holders of shares entitled to notice of and entitled to vote at the meeting as provided in subsection 1 of section ~~40-19.1-77~~ 10-19.1-73.2.
 - o. Indemnification of certain persons is required as provided in section 10-19.1-91.
 - p. The board may authorize, and the corporation may make, distributions not prohibited, limited, or restricted by an agreement as provided in subsection 1 of section 10-19.1-92.
5. The following provisions relating to the management of the business or the regulation of the affairs of a corporation may be included either in the articles or, except for naming members of the first board fixing a greater than majority director or shareholder vote or giving or prescribing the manner of giving voting rights to persons other than shareholders otherwise than pursuant to the articles, or eliminating or limiting a director's personal liability, in the bylaws:
- a. The members of the first board may be named in the articles as provided in subsection 1 of section 10-19.1-32.
 - b. A manner for increasing or decreasing the number of directors as provided in section 10-19.1-33.
 - c. Additional qualifications for directors may be imposed as provided in section 10-19.1-34.
 - d. Directors may be classified as provided in section 10-19.1-38.
 - e. The day or date, time, and place of board meetings may be fixed as provided in subsection 1 of section 10-19.1-43.
 - f. Absent directors may be permitted to give written consent or opposition to a proposal as provided in section 10-19.1-44.
 - g. A larger than majority vote may be required for board action as provided in section 10-19.1-46.
 - h. Authority to sign and deliver certain documents may be delegated to an officer or agent of the corporation other than the president as provided in section 10-19.1-53.
 - i. Additional officers may be designated as provided in section 10-19.1-52.
 - j. Additional powers, rights, duties, and responsibilities may be given to officers as provided in section 10-19.1-53.

- k. A method for filling vacant offices may be specified as provided in subsection 3 of section 10-19.1-58.
- l. A certain officer or agent may be authorized to sign share certificates as provided in subsection 1 of section 10-19.1-66.
- m. The transfer or registration of transfer of securities may be restricted as provided in section 10-19.1-70.
- n. The day or date, time, and place of regular shareholder meetings may be fixed as provided in subsection 3 of section 10-19.1-71.
- o. Certain persons may be authorized to call special meetings of shareholders as provided in subsection 1 of section 10-19.1-72.
- p. Notices of shareholder meetings may be required to contain certain information as provided in subsection 3 of section 10-19.1-73.
- q. A larger than majority vote may be required for shareholder action as provided in section 10-19.1-74.
- r. Voting rights may be granted in or pursuant to the articles to persons who are not shareholders as provided in subsection ~~4~~ 6 of section ~~10-19.1-77~~ 10-19.1-73.2.
- s. Corporate actions giving rise to dissenter rights may be designated as provided in subdivision d of subsection 1 of section 10-19.1-87.
- t. The rights and priorities of persons to receive distributions may be established as provided in section 10-19.1-92.
- u. A director's personal liability to the corporation or its shareholders for monetary damages for breach of fiduciary duty as a director may be eliminated or limited in the articles as provided in section 10-19.1-50.

²⁰ **SECTION 10. AMENDMENT.** Section 10-19.1-11 of the North Dakota Century Code is amended and reenacted as follows:

10-19.1-11. Filing of articles of incorporation. An original of the articles of incorporation must be filed with the secretary of state. If the secretary of state finds that the articles of incorporation conform to law and that all fees have been paid under ~~chapter 10-23~~ section 10-19.1-147, the secretary of state shall issue a certificate of incorporation to the incorporators or their representative.

²¹ **SECTION 11. AMENDMENT.** Section 10-19.1-23 of the North Dakota Century Code is amended and reenacted as follows:

²⁰ Section 10-19.1-11 was also amended by section 8 of Senate Bill No. 2271, chapter 95.

²¹ Section 10-19.1-23 was also amended by section 10 of Senate Bill No. 2271, chapter 95.

10-19.1-23. Filing articles of amendment. An original of the articles of amendment must be filed with the secretary of state. If the secretary of state finds that the articles of amendment conform to law and that all fees have been paid as provided in ~~chapter 40-23~~ section 10-19.1-147, then the articles of amendment must be recorded in the office of the secretary of state.

A corporation that amends its name and is the owner of a trademark or trade name, is a general partner named in a fictitious name certificate, or is a general partner in a limited partnership which is on file with the secretary of state, must change or amend its name in each registration when it files an amendment.

²² **SECTION 12. AMENDMENT.** Subsection 4 of section 10-19.1-61 of the North Dakota Century Code is amended and reenacted as follows:

4. A statement executed by an officer setting forth the name of the corporation and the text of the resolution and certifying the adoption of the resolution and the date of adoption must be filed with the secretary of state, ~~together~~ with the fees provided in ~~chapter 40-23~~ section 10-19.1-147, before the issuance of any shares for which the resolution creates rights or preferences not set forth in the articles. The resolution is effective when the statement has been filed with the secretary of state unless the statement specifies a later effective date within thirty days of filing the statement with the secretary of state.

SECTION 13. AMENDMENT. Subsections 2 and 3 of section 10-19.1-75.2 of the 1997 Supplement to the North Dakota Century Code are amended and reenacted as follows:

2. Participation in a conference meeting the requirements of subsection 1 constitutes presence at the meeting in person or by proxy if all the other requirements of section ~~40-19.1-80~~ 10-19.1-76.2 are met.
3. A shareholder may participate in a regular or special meeting of shareholders not described in subsection 1 by any means of communication through which the shareholder, other participants, and all persons physically present at the meeting may simultaneously hear each other during the meeting. Participation in a meeting by that means constitutes presence at the meeting in person or by proxy if all the other requirements of section ~~40-19.1-80~~ 10-19.1-76.2 are met.

²³ **SECTION 14. AMENDMENT.** Subsection 2 of section 10-19.1-99 of the North Dakota Century Code is amended and reenacted as follows:

2. The articles of merger must be signed on behalf of each constituent corporation and filed with the secretary of state, ~~together~~ with the fees provided in ~~chapter 40-23~~ section 10-19.1-147.

²² Section 10-19.1-61 was also amended by section 12 of Senate Bill No. 2271, chapter 95.

²³ Section 10-19.1-99 was also amended by section 30 of Senate Bill No. 2271, chapter 95.

²⁴ **SECTION 15. AMENDMENT.** Subsection 4 of section 10-19.1-100 of the North Dakota Century Code is amended and reenacted as follows:

4. Within thirty days after a copy of the plan of merger is mailed to shareholders of each subsidiary that is a constituent corporation to the merger, or upon waiver of the mailing by the holders of all outstanding shares of each subsidiary that is a constituent corporation to the merger, the articles of merger must be signed on behalf of the parent and filed with the secretary of state, ~~along~~ with the fees provided in ~~chapter 10-23~~ section 10-19.1-147.

²⁵ **SECTION 16. AMENDMENT.** Subsection 2 of section 10-19.1-101 of the North Dakota Century Code is amended and reenacted as follows:

2. If articles of merger have not been filed with the secretary of state and the plan is to be abandoned, or if a plan of exchange is to be abandoned, a resolution abandoning the plan of merger or exchange may be approved by the affirmative vote of a majority of the directors present, subject to the contract rights of any other person under the plan. If articles of merger have been filed with the secretary of state, the board shall file with the secretary of state, ~~together~~ with the fees provided in ~~chapter 10-23~~ section 10-19.1-147, articles of abandonment that contain:
 - a. The name of the constituent corporations;
 - b. The provision of this section under which the plan is abandoned; and
 - c. The text of the resolution approved by the affirmative vote of a majority of the directors present abandoning the plan.

If the certificate of merger has been issued, the board shall surrender the certificate to the secretary of state upon filing the articles of abandonment.

²⁶ **SECTION 17. AMENDMENT.** Subsection 4 of section 10-19.1-103 of the North Dakota Century Code is amended and reenacted as follows:

4. If the surviving corporation in a merger will be a foreign corporation and will transact business in this state, it shall comply with the provisions of ~~chapter 10-22~~ 10-19.1 with respect to foreign corporations. In every case the surviving corporation shall file with the secretary of state:
 - a. An agreement that it may be served with process in this state in a proceeding for the enforcement of an obligation of a constituent

²⁴ Section 10-19.1-100 was also amended by section 31 of Senate Bill No. 2271, chapter 95.

²⁵ Section 10-19.1-101 was also amended by section 32 of Senate Bill No. 2271, chapter 95.

²⁶ Section 10-19.1-103 was also amended by section 34 of Senate Bill No. 2271, chapter 95.

corporation and in a proceeding for the enforcement of the rights of a dissenting shareholder of a constituent corporation against the surviving corporation;

- b. An irrevocable appointment of the secretary of state as its agent to accept service of process in any proceeding, and an address to which process may be forwarded; and
- c. An agreement that it will promptly pay to the dissenting shareholders of each domestic constituent corporation the amount, if any, to which they are entitled under section 10-19.1-87.

²⁷ **SECTION 18. AMENDMENT.** Subsection 2 of section 10-19.1-106 of the North Dakota Century Code is amended and reenacted as follows:

2. The articles of dissolution must be filed with the secretary of state, ~~together~~ with the fees provided in ~~chapter 10-23~~ section 10-19.1-147.

²⁸ **SECTION 19. AMENDMENT.** Subsection 1 of section 10-19.1-108 of the North Dakota Century Code is amended and reenacted as follows:

1. If dissolution of the corporation is approved pursuant to subsections 1 and 2 of section 10-19.1-107, the corporation shall file with the secretary of state, ~~together~~ with the fees provided in ~~chapter 10-23~~ section 10-19.1-147, a notice of intent to dissolve. The notice must contain:
 - a. The name of the corporation;
 - b. The date and place of the meeting at which the resolution was approved pursuant to subsections 1 and 2 of section 10-19.1-107; and
 - c. A statement that the requisite vote of the shareholders was received or that all shareholders entitled to vote signed a written action.

SECTION 20. AMENDMENT. Section 10-19.1-110.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-19.1-110.1. Dissolution procedure for corporations that do not give notice to creditors and claimants. When a notice of intent to dissolve has been filed with the secretary of state and the corporation has elected not to give notice to creditors and claimants in the manner provided in section ~~10-19.1-100~~ 10-19.1-110:

1. Articles of dissolution for a corporation that has not given notice to creditors and claimants in the manner provided in section 10-19.1-110:
 - a. Must be filed with the secretary of state after:

²⁷ Section 10-19.1-106 was also amended by section 35 of Senate Bill No. 2271, chapter 95.

²⁸ Section 10-19.1-108 was also amended by section 36 of Senate Bill No. 2271, chapter 95.

- (1) The payment of claims of all known creditors and claimants has been made or provided for; or
 - (2) At least two years have elapsed from the date of filing the notice of intent to dissolve; and
- b. Must state:
- (1) If the articles of dissolution are being filed pursuant to paragraph 1 of subdivision a of subsection 1, that all known debts, obligations, and liabilities of the corporation have been paid and discharged or that adequate provision has been made for payment or discharge;
 - (2) That the remaining property, assets, and claims of the corporation have been distributed among its shareholders in accordance with subsection 5 of section 10-19.1-92, or that adequate provision has been made for that distribution; and
 - (3) That there are no pending legal, administrative, or arbitration proceedings by or against the corporation, or that adequate provision has been made for the satisfaction of any judgment, order, or decree that may be entered against it in a pending proceeding.
2. With respect to claims against a corporation that does not give notice:
- a. If a corporation has paid or provided for all known creditors or claimants at the time articles of dissolution are filed, a creditor or claimant who does not file a claim or pursue a remedy, in a legal, administrative, or arbitration proceeding within two years after the date of filing the notice of intent to dissolve is barred from suing on that claim or otherwise realizing upon or enforcing it.
 - b. If the corporation has not paid or provided for all known creditors and claimants at the time articles of dissolution are filed, a person who does not file a claim or pursue a remedy in a legal, administrative, or arbitration proceeding within two years after the date of filing the notice of intent to dissolve is barred from suing on that claim or otherwise realizing upon or enforcing it, except as provided in section 10-19.1-124.

²⁹ **SECTION 21. AMENDMENT.** Section 10-19.1-112 of the North Dakota Century Code is amended and reenacted as follows:

10-19.1-112. Revocation of dissolution proceedings.

1. Dissolution proceedings commenced pursuant to section 10-19.1-107 may be revoked prior to filing of articles of dissolution.

²⁹ Section 10-19.1-112 was also amended by section 37 of Senate Bill No. 2271, chapter 95.

2. Written notice must be given to every shareholder entitled to vote at a shareholders' meeting within the time and in the manner provided in section 10-19.1-73 for notice of meetings of shareholders and must state that a purpose of the meeting is to consider the advisability of revoking the dissolution proceedings. The proposed revocation must be submitted to the shareholders at the meeting. If the proposed revocation is approved at a meeting by the affirmative vote of the holders of a majority of the voting power of all shares entitled to vote, the dissolution proceedings are revoked.
3. Revocation of dissolution proceedings is effective when a notice of revocation is filed with the secretary of state, ~~together~~ with the fees provided in ~~chapter 10-23~~ section 10-19.1-147. The corporation may thereafter resume business.

³⁰ **SECTION 22. AMENDMENT.** Section 10-19.1-113.1 is amended and reenacted as follows:

10-19.1-113.1. Filing of articles of dissolution - Effective date of dissolution - Certificate.

1. An original of the articles of dissolution must be filed with the secretary of state. If the secretary of state finds that the articles of dissolution conform to law and that all fees have been paid under ~~chapter 10-23~~ section 10-19.1-147, the secretary of state shall issue a certificate of dissolution.
2. When the certificate of dissolution has been issued by the secretary of state, the corporation is dissolved.
3. The secretary of state shall issue to the dissolved corporation, or its legal representative, a certificate of dissolution that contains:
 - a. The name of the corporation;
 - b. The date the articles of dissolution were filed with the secretary of state; and
 - c. A statement that the corporation was dissolved.

³¹ **SECTION 23. AMENDMENT.** Section 10-19.1-129 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-19.1-129. Service of process on corporation and nonresident directors.

1. The registered agent must be an agent of the corporation and any nonresident director upon whom any process, notice, or demand

³⁰ Section 10-19.1-113.1 was also amended by section 38 of Senate Bill No. 2271, chapter 95.

³¹ Section 10-19.1-129 was also amended by section 39 of Senate Bill No. 2271, chapter 95.

- required or permitted by law to be served on the corporation or director may be served. Acceptance of a directorship includes the appointment of the secretary of state as an agent for personal service of legal process, notice, or demand.
2. A process, notice, or demand required or permitted by law to be served upon a corporation may be served either upon the registered agent of the corporation, or upon an officer of the corporation, or upon the secretary of state as provided in this section.
 3. If neither the corporation's registered agent nor an officer of the corporation can be found at the registered office, or if a corporation fails to maintain a registered agent in this state and an officer of the corporation cannot be found at the registered office, then the secretary of state is the agent of the corporation upon whom the process, notice, or demand may be served. The return of the sheriff, or the affidavit of a person who is not a party, that no registered agent or officer can be found at the registered office must be provided to the secretary of state. Service on the secretary of state of any process, notice, or demand is deemed personal service upon the corporation and must be made by filing with the secretary of state an original and two copies of the process, notice, or demand, ~~along~~ with the fees provided in ~~chapter 10-23~~ section 10-19.1-147. The secretary of state shall immediately forward, by registered mail, addressed to the corporation at its registered office, a copy of the process, notice, or demand. Service on the secretary of state is returnable in not less than thirty days notwithstanding a shorter period specified in the process, notice, or demand.
 4. Process, notice, or demand may be served on a dissolved corporation as provided in this subsection. The court shall determine if service is proper. If a corporation has voluntarily dissolved or a court has entered a decree of dissolution, service may be made according to subsection 2 so long as claims are not finally barred under section 10-19.1-124. If a corporation has been involuntarily dissolved ~~pursuant to section 10-23-02.2~~, service may be made according to subsection 2.
 5. A record of all processes, notices, and demands served upon the secretary of state under this section, including the date of service and the action taken with reference to it must be maintained in the office of the secretary of state.
 6. Nothing in this section limits the right to serve any process, notice, or demand required or permitted by law to be served upon a corporation in any other manner permitted by law.

³² **SECTION 24. AMENDMENT.** Section 10-30-05 of the North Dakota Century Code is amended and reenacted as follows:

³² Section 10-30-05 was also amended by section 44 of Senate Bill No. 2271, chapter 95.

10-30-05. Business Corporation Act to apply. The provisions of ~~chapters~~ chapter 10-19.1; ~~40-22~~; and ~~40-23~~ apply to state development corporations as they may be applicable and not inconsistent with this chapter.

³³ **SECTION 25. AMENDMENT.** Subsection 1 of section 10-30.1-04 of the North Dakota Century Code is amended and reenacted as follows:

1. To carry out the purposes of this chapter, venture capital corporations may be formed under ~~chapters~~ chapter 10-19.1 ~~through 40-23~~ if a corporation; or under chapter 10-32 if a limited liability company. The articles of incorporation or articles of organization of a venture capital corporation must comply with subsections 2 through 9.

SECTION 26. AMENDMENT. Section 10-30.5-04 of the North Dakota Century Code is amended and reenacted as follows:

10-30.5-04. Powers. The corporation must be organized as a nonprofit corporation ~~under chapter 40-24~~. In addition to the powers in chapter ~~40-24~~ 10-33, the corporation may:

1. Cooperate and contract with any private or public entity.
2. Receive appropriations from the legislative assembly and other public moneys as well as contributions from other private or public contributors.

³⁴ **SECTION 27. AMENDMENT.** Subsections 2, 3, and 4 of section 10-32-07 of the 1997 Supplement to the North Dakota Century Code are amended and reenacted as follows:

2. The following provisions govern a limited liability company unless modified in the articles of organization or a member central agreement under section 10-32-50:
 - a. A limited liability company has general business purposes as provided in section 10-32-04;
 - b. A limited liability company has certain powers as provided in section 10-32-23;
 - c. The power to adopt, amend, or repeal the operating agreement is vested in the board of governors as provided in section 10-32-68;
 - d. A limited liability company must allow cumulative voting for governors as provided in section 10-32-76;

³³ Section 10-30.1-04 was also amended by section 45 of Senate Bill No. 2271, chapter 95.

³⁴ Section 10-32-07 was also amended by section 51 of Senate Bill No. 2271, chapter 95.

- e. The affirmative vote of a majority of governors present is required for an action of the board of governors as provided in section 10-32-83;
- f. A written action by the board of governors taken without a meeting must be signed by all governors as provided in section 10-32-84;
- g. The board may accept contributions, make contribution agreements, and make contribution allowance agreements as provided in subsection 1 of section 10-32-56 and sections 10-32-58 and 10-32-59;
- h. All membership interests are ordinary membership interests entitled to vote and are of one class with no series as provided in subdivisions a and b of subsection 5 of section 10-32-56;
- i. All membership interests have equal rights and preferences in all matters not otherwise provided for by the board of governors as provided in subdivision b of subsection 5 of section 10-32-56;
- j. The restatement of value of previous contributions is to be determined according to a specified process as provided in subsections 3 and 4 of section 10-32-57;
- k. A member has certain preemptive rights, unless otherwise provided by the board of governors as provided in section 10-32-37;
- l. The affirmative vote of the owners of a majority of the voting power of the membership interests present and entitled to vote at a duly held meeting is required for an action of the members, except where this chapter requires the affirmative vote of a majority of the voting power of all membership interests entitled to vote as provided in subsection 1 of section 10-32-43;
- m. The voting power of each membership interest is in proportion to the value reflected in the required records of the contributions of the members as provided in section ~~10-32-45~~ 10-32-40.1;
- n. Members share in distributions in proportion to the value reflected in the required records of the contributions of members as provided in section 10-32-60;
- o. Members share profits and losses in proportion to the value reflected in the required records of the contributions of members as provided in section 10-32-36;
- p. A written action by the members taken without a meeting must be signed by all members as provided in section 10-32-43;
- q. Members have no right to receive distributions in kind and the limited liability company has only limited rights to make distributions in kind as provided in section 10-32-62;
- r. A member is not subject to expulsion as provided in subsection 2 of section 10-32-30;

- s. Unanimous consent is required for the transfer of governance rights to a person not already a member as provided in subsection 2 of section 10-32-32;
 - t. Unanimous consent is required to avoid dissolution as provided in subdivision e of subsection 1 of section 10-32-109; and
 - u. A limited liability company dissolves upon an occurrence of an event that terminates the continued membership of any member as provided in subsection 1 of section 10-32-109.
3. The following provisions govern a limited liability company unless modified either in the articles of organization, a member central agreement under section 10-32-50, or in the operating agreement:
- a. Governors serve for an indefinite term that expires at the next regular meeting of members as provided in section 10-32-72;
 - b. The compensation of governors is fixed by the board of governors as provided in section 10-32-74;
 - c. A certain method must be used for removal of governors as provided in section 10-32-78;
 - d. A certain method must be used for filling board of governor vacancies as provided in section 10-32-79;
 - e. If the board of governors fails to select a place for a board meeting, it must be held at the principal executive office as provided in subsection 1 of section 10-32-80;
 - f. The notice of a board of governors meeting need not state the purpose of the meeting as provided in subsection 3 of section 10-32-80;
 - g. A majority of the board of governors is a quorum for a board meeting as provided in section 10-32-82;
 - h. A committee consists of one or more individuals, who need not be governors, appointed by affirmative vote of a majority of the governors present as provided in subsection 2 of section 10-32-85;
 - i. The board may establish a special litigation committee as provided in section 10-32-85;
 - j. The president and treasurer have specified duties, until the board of governors determines otherwise as provided in section 10-32-89;
 - k. Managers may delegate some or all of their duties and powers, if not prohibited by the board of governors from doing so as provided in section 10-32-95;
 - l. Regular meetings of members need not be held, unless demanded by a member under certain conditions as provided in section 10-32-38;

- m. In all instances where a specific minimum notice period has not otherwise been fixed by law, not less than ten days' notice is required for a meeting of members as provided in subsection 2 of section 10-32-40;
 - n. For a quorum at a members' meeting there is required a majority of the voting power of the membership interests entitled to vote at the meeting as provided in section 10-32-44;
 - o. The board of governors may fix a date up to fifty days before the date of a members' meeting as the date for the determination of the members entitled to notice of and entitled to vote at the meeting as provided in ~~subsection 4 of section 10-32-45~~ 10-32-40.1;
 - p. Indemnification of certain persons is required as provided in section 10-32-99;
 - q. The board of governors may authorize, and the limited liability company may make, distributions not prohibited, limited, or restricted by an agreement as provided in subsection 1 of section 10-32-64; and
 - r. Members have no right to interim distributions except as provided through the operating agreement or an act of the board of governors as provided in section 10-32-61.
4. The following provisions relating to the management of the business or the regulation of the affairs of a limited liability company may be included either in the articles of organization, a member central agreement under section 10-32-50, or, except for naming persons to serve as the first board of governors, fixing a greater than majority governor or member vote, establishing the rights and priorities for distributions and the rights to share in profits and losses, or giving or prescribing the manner of giving voting rights to persons other than members otherwise than pursuant to the articles of organization, or eliminating or limiting a governor's personal liability, in the operating agreement:
- a. The persons to serve as the first board of governors may be named in the articles of organization as provided in subsection 1 of section 10-32-69;
 - b. A manner for increasing or decreasing the number of governors may be provided as provided in section 10-32-70;
 - c. Additional qualifications for governors may be imposed as provided in section 10-32-71;
 - d. Governors may be classified as provided in section 10-32-75;
 - e. The date, time, and place of board of governors meetings may be fixed as provided in subsection 1 of section 10-32-80;
 - f. Absent governors may be permitted to give written consent or opposition to a proposal as provided in section 10-32-81;

- g. A larger than majority vote may be required for board of governor action as provided in section 10-32-83;
- h. Authority to sign and deliver certain documents may be delegated to a manager or agent of the limited liability company other than the president as provided in section 10-32-89;
- i. Additional managers may be designated as provided in section 10-32-88;
- j. Additional powers, rights, duties, and responsibilities may be given to managers as provided in section 10-32-89;
- k. A method for filling vacant offices may be specified as provided in subsection 3 of section 10-32-94;
- l. The date, time, and place of regular member meetings may be fixed as provided in subsection 3 of section 10-32-38;
- m. Certain persons may be authorized to call special meetings of members as provided in subsection 1 of section 10-32-39;
- n. Notices of member meetings may be required to contain certain information as provided in subsection 3 of section 10-32-40;
- o. A larger than majority vote may be required for member action as provided in section 10-32-42;
- p. Voting rights may be granted in or pursuant to the articles of organization to persons who are not members as provided in ~~subsection 3 of section 10-32-45~~ 10-32-40.1;
- q. Limited liability company actions giving rise to dissenter rights may be designated as provided in subdivision d of subsection 1 of section 10-32-55; and
- r. A governor's personal liability to the limited liability company or its members for monetary damages for breach of fiduciary duty as a governor may be eliminated or limited in the articles as provided in subsection 4 of section 10-32-86.

³⁵ **SECTION 28. AMENDMENT.** Subdivision b of subsection 5 of section 10-32-56 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- b. Be ordinary membership interests entitled to vote as provided in section ~~10-32-45~~ 10-32-40.1, and have equal rights and preferences in all matters not otherwise provided for by the board of governors unless and to the extent that the articles of organization have fixed the relative rights and preferences of different classes and series; and

³⁵ Section 10-32-56 was also amended by section 80 of Senate Bill No. 2271, chapter 95.

³⁶ **SECTION 29. AMENDMENT.** Subsection 4 of section 10-32-107 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. If the surviving organization in a merger will be a foreign corporation or foreign limited liability company and will transact business in this state, it shall comply, as the case may be, with the provisions of chapter ~~40-22~~ 10-19.1 with respect to foreign corporations or with the provisions of this chapter with respect to foreign limited liability companies. In every case the surviving foreign corporation or foreign limited liability company shall file with the secretary of state:
 - a. An agreement that it may be served with process in this state in a proceeding for the enforcement of an obligation of a constituent organization and in a proceeding for the enforcement of the rights of a dissenting owner of an ownership interest of a constituent organization against the surviving foreign corporation or foreign limited liability company;
 - b. An irrevocable appointment of the secretary of state as its agent to accept service of process in any proceeding, and an address to which process may be forwarded; and
 - c. An agreement that it will promptly pay to the dissenting owners of ownership interests of each constituent domestic limited liability company and constituent domestic corporation the amount, if any, to which they are entitled under section 10-19.1-88 or 10-32-55, as the case may be.

³⁷ **SECTION 30. AMENDMENT.** Subdivision j of subsection 5 of section 10-33-06 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- j. A corporation may issue membership certificates, or preferred or common shares as the board deems appropriate as provided in section ~~40-31-58~~ 10-33-58.

SECTION 31. AMENDMENT. Subsection 24 of section 10-33-21 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24. Except where the trust instrument prescribes otherwise, a corporation may invest trust property or its proceeds in accordance with ~~section 59-02-08~~ sections 59-02-08.1 through 59-02-08.11.

³⁶ Section 10-32-107 was also amended by section 120 of Senate Bill No. 2271, chapter 95.

³⁷ Section 10-33-06 was also amended by section 133 of Senate Bill No. 2271, chapter 95.

³⁸ **SECTION 32. AMENDMENT.** Subsection 3 of section 11-10.2-01 of the North Dakota Century Code is amended and reenacted as follows:

3. This option is available in addition to, or in lieu of, other county structural options authorized under this title, unless a specific mandate for combining or separating particular county offices is otherwise provided by law. ~~The office of county judge is excluded from the application of this chapter.~~

³⁹ **SECTION 33. AMENDMENT.** Subdivision b of subsection 3 of section 12.1-32-15 of the North Dakota Century Code is amended and reenacted as follows:

- b. Has pled guilty or nolo contendere to, or been found guilty of, an offense in a court of another state or the federal government equivalent to those offenses set forth in subdivisions a and e of subsection 1; or

SECTION 34. AMENDMENT. Section 16.1-01-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-07. Constitutional amendments and other questions to be advertised - Notification by secretary of state - Manner of publishing. Whenever a proposed constitutional amendment or other question is to be submitted to the people of the state for popular vote, the secretary of state shall, not less than fifty-five days before the election, certify the amendment or other question to each county auditor and each auditor shall cause notice thereof to be included in the notice required by section 16.1-13-05. Questions to be submitted to the people of a particular county must be advertised in the same manner.

The secretary of state shall, at the same time the secretary of state certifies notice to the county auditors of the submission of a constitutional amendment or other question, certify the ballot form for such questions. The ballot form must conform to the provisions of section 16.1-06-09 and must be used by all county auditors in preparing ballots for submission to the electorate of each county and in the preparation of sample ballots. ~~Sample ballots must conform in form and style to samples of such ballots contained in the legal publications handbook prepared under subsection 5 of section 46-01-02.~~ Any requirements in this title that a sample ballot be published will be met by the publication of either the paper ballot or the ballot as it will appear to persons using a voting machine, depending upon the method of voting used in the area involved. Absentee voter ballots may not be considered in determining which method of voting is used in an area. If both paper ballots and voting machines are used in an area, both forms must be published as sample ballots to meet publication and notice requirements. For two consecutive weeks before the sample ballot is published, an analysis of any constitutional amendment, initiated measure, or referred measure, written by the secretary of state after consultation with the attorney general, must be published in columns to enable the electors to become

³⁸ Section 11-10.2-01 was also amended by section 14 of Senate Bill No. 2390, chapter 98.

³⁹ Section 12.1-32-15 was also amended by section 3 of Senate Bill No. 2223, chapter 123, and section 1 of Senate Bill No. 2299, chapter 131.

familiar with the effect of the proposed constitutional amendment or initiated or referred measure.

⁴⁰ **SECTION 35. AMENDMENT.** Subsection 3 of section 16.1-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Contribution" means a gift, subscription, loan, advance, or deposit of money, made for the purpose of influencing the nomination for election, or election, of any person to public office or aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure. Contribution also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes, and includes funds received by a political committee which are transferred to that committee from another political committee or other source. This definition does not include:
 - a. A loan of money from a bank or other lending institution made in the regular course of business.
 - b. Time spent by volunteer campaign or political party workers.
 - c. Money spent by a candidate on the candidate's own behalf.
 - d. Any money received from a district or state committee of a political party, as established pursuant to sections ~~16.1-03-06~~ 16.1-03-07 and 16.1-03-08, except for contributions reported pursuant to section 16.1-08.1-03.

SECTION 36. AMENDMENT. Section 18-08-12 of the North Dakota Century Code is amended and reenacted as follows:

18-08-12. Annual fire inspection of state buildings and institutions. An annual fire inspection shall be performed at each state institution and building. The state fire marshal shall ~~annually~~ annually inspect the state penitentiary and the James River correctional center, the Missouri River correctional center, the North Dakota youth correctional center, and the state hospital; and san haven. The annual inspection of all other state institutions and buildings ~~shall~~ must be made by the fire department of the city or fire protection district in which the institution or building is located, at the direction of the officer in charge of the institution or building, who shall prepare a report based upon the findings of the fire inspection. The report, which ~~shall~~ must contain specifications of any violations, ~~shall~~ must be submitted to the responsible board, agency, or commission and a copy of the report ~~shall~~ must be submitted to the state fire marshal. If the report indicates that any violations can be corrected within the current budget of the responsible board, agency, or commission, action to correct the violations, unless good cause can be demonstrated to the attorney general, ~~shall~~ must be initiated within thirty days of receipt of the report by the responsible board, agency, or commission. For purposes of this section, a "fire inspection" is a procedure performed in accordance with

⁴⁰ Section 16.1-08.1-01 was also amended by section 3 of Senate Bill No. 2148, chapter 204.

standards set forth in the uniform building code, the code of the building officials and code administrators, or the code of the national fire protection association.

SECTION 37. AMENDMENT. Section 20.1-08-04.6 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

20.1-08-04.6. Governor's proclamation concerning the hunting of elk - Rocky mountain elk foundation raffle. The governor may by proclamation provide for a season to hunt elk in a manner, number, places, and times as the governor prescribes. Licenses to hunt elk must be issued by lottery, except as provided under subsection 7 of section 20.1-03-11, with only residents eligible to apply; however, the governor may by proclamation make available to the rocky mountain elk foundation a license to hunt elk in a manner, places, and times as the governor prescribes. The rocky mountain elk foundation shall hold a raffle under rules adopted by the commissioner with only residents eligible to participate. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle and all net proceeds must be used for elk management and related projects in North Dakota as described under rocky mountain elk foundation policies and objectives. The rocky mountain elk foundation shall submit reports concerning the raffle as the commissioner requires. Except for landowners who receive special elk depredation management licenses issued to landowners ~~of~~ under subsection 7 of section 20.1-03-11 and persons who receive a special elk depredation management license issued by lottery under this section, a person may only receive one license to hunt elk issued by lottery and one nontransferable license to hunt elk through the rocky mountain elk foundation raffle in a lifetime.

SECTION 38. AMENDMENT. Section 21-10-06 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

21-10-06. Funds under management of board - Accounts. The board is charged with the investment of the following funds:

1. State bonding fund.
2. Teachers' fund for retirement.
3. State fire and tornado fund.
4. Workers' compensation fund.
5. Veterans' home improvement fund, in accordance with section ~~37-15-14.1.~~
- ~~6.~~ National guard tuition trust fund.
- ~~7.~~ 6. Public employees retirement system.
- ~~8.~~ 7. Insurance regulatory trust fund.
- ~~9.~~ 8. State risk management fund.
- ~~10.~~ 9. Veterans' cemetery trust fund.

Separate accounting must be maintained for each of the above funds. When it is deemed advantageous, the moneys of the individual funds may be commingled for investment purposes.

The state investment board may provide investment services to, and manage the money of, any agency, institution, or political subdivision of the state, subject to agreement with the industrial commission. The scope of services to be provided by the state investment board to the agency, institution, or political subdivision must be specified in a written contract. The state investment board may charge a fee for providing investment services and any revenue collected must be deposited in the state retirement and investment fund.

SECTION 39. AMENDMENT. Subsection 2 of section 23-06.4-03 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. If the declarant is a resident of a long-term care facility, as defined in section 50-10.1-01, at the time the declaration is executed, one of the two witnesses to the declaration must be a recognized member of the clergy, an attorney licensed to practice in this state, or a person as may be designated by the department of human services or the ~~county~~ district court for the county in which the facility is located.

SECTION 40. AMENDMENT. Subsection 2 of section 23-06.5-10 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. A durable power of attorney for health care is not effective if, at the time of execution, the principal is a resident of a long-term care facility unless a recognized member of the clergy, an attorney licensed to practice in this state, or a person as may be designated by the department of human services or the ~~county~~ district court for the county in which the facility is located, signs a statement affirming that the person has explained the nature and effect of the durable power of attorney for health care to the principal or unless the principal acknowledges in writing that the principal has read the explanation prefacing the statutory form in section 23-06.5-17 or a similar written explanation of the nature and effect of a durable power of attorney for health care. It is the intent of this subsection to recognize that some residents of long-term care facilities are insulated from a voluntary decisionmaking role, by virtue of the custodial nature of their care, so as to require special assurance that they are capable of willingly and voluntarily executing a durable power of attorney for health care.

SECTION 41. AMENDMENT. Subsection 12 of section 25-03.1-02 of the North Dakota Century Code is amended and reenacted as follows:

12. "Private treatment facility" means any facility established under ~~chapters~~ chapter 10-19.1; ~~40-22, and 40-24~~ or 10-33 and licensed under chapter 23-16 or 23-17.1.

SECTION 42. AMENDMENT. Section 26.1-17-02 of the North Dakota Century Code is amended and reenacted as follows:

26.1-17-02. Nonprofit health service corporations authorized. A health service corporation must be organized under this chapter and, to the extent applicable,

under chapter ~~40-24~~ 10-33 for the purposes of establishing and putting into effect a health service plan whereby one or more kinds of health service is provided to subscribers under a contract entitling each subscriber to certain specified health service. Any corporation subject to this chapter is not subject to the laws of this state relating to insurance and insurance companies, except as specifically provided in such laws. This chapter applies only to corporations organized pursuant to its provisions, except as specifically provided otherwise.

SECTION 43. AMENDMENT. Section 26.1-17-33 of the North Dakota Century Code is amended and reenacted as follows:

26.1-17-33. Liquidation - Dissolution - Merger - Consolidation. Any involuntary liquidation and dissolution of a health service corporation is governed by chapter 26.1-07. Any voluntary liquidation and dissolution is governed by chapter ~~40-26~~ 10-33. Any merger or consolidation of a health service corporation is subject to the approval of the commissioner in accordance with the procedures set forth in chapter 26.1-07, but the consolidation or merger must be accomplished under chapter ~~40-25~~ 10-33.

SECTION 44. AMENDMENT. Subsection 1 of section 26.1-18.1-02 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding any law of this state to the contrary, any person may apply to the commissioner for a certificate of authority to establish and operate a health maintenance organization in compliance with this chapter. No person may establish or operate a health maintenance organization in this state, without obtaining a certificate of authority under this chapter. A foreign corporation may qualify under this chapter, subject to ~~its registration to do business in this state~~ obtaining a certificate of authority as a foreign corporation under section ~~40-22-04~~ 10-19.1-136 and compliance with all provisions of this chapter and other applicable state laws.

SECTION 45. AMENDMENT. Subsection 1 of section 26.1-19-04 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding any law of this state to the contrary, any person may apply to the commissioner for and obtain a certificate of authority to establish and operate a prepaid legal services organization in compliance with this chapter. A person may not establish or operate a prepaid legal services organization in this state, or sell, offer to sell, or solicit offers to purchase or receive advance or periodic considerations in conjunction with a prepaid legal services plan without obtaining a certificate of authority under this chapter. A foreign corporation may similarly apply for a certificate of authority under this chapter, subject to ~~its registration to do business in this state~~ obtaining a certificate of authority as a foreign corporation under ~~chapter 40-22~~ section 10-19.1-136.

SECTION 46. AMENDMENT. Section 26.1-49-03 of the North Dakota Century Code is amended and reenacted as follows:

26.1-49-03. Powers. In addition to the powers granted a cooperative under chapter 10-15, a health provider cooperative has the powers granted a nonprofit corporation under chapter ~~40-24~~ 10-33. The power granted under chapter 10-15 controls over any inconsistent power granted by chapter ~~40-24~~ 10-33.

SECTION 47. AMENDMENT. Section 28-04-05.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

28-04-05.1. Venue of trials. Notwithstanding any other provision of this chapter, if the county seats of adjoining counties are less than ten miles [16.10 kilometers] apart and are located in the same judicial district, the district court ~~or county court~~ may hold any trial or hearing in either county. In the case of a jury trial, the jury panel must be composed of residents of the county of venue as would otherwise be determined under this chapter even if the case is not tried in that county.

SECTION 48. AMENDMENT. Section 29-12-05 of the North Dakota Century Code is amended and reenacted as follows:

29-12-05. Bench warrant, misdemeanor, infraction, or bailable felony. If an offense is a misdemeanor, an infraction, or a bailable felony, the bench warrant issued must be in a form similar to form ~~40~~ 12 as contained in the appendix to the North Dakota Rules of Criminal Procedure, but must add to the body thereof a direction to the following effect, "or if ~~he~~ the person requires it, that you take ~~him~~ the person before any magistrate of that county or in the county in which you arrest ~~him~~ the person, that ~~he~~ the person may give bail to answer the information (or indictment)".

SECTION 49. AMENDMENT. Section 30.1-15-02 of the North Dakota Century Code is amended and reenacted as follows:

30.1-15-02. (3-402) Formal testacy or appointment proceedings - Petition - Contents.

1. Petitions for formal probate of a will, or for adjudication of intestacy with or without request for appointment of a personal representative, must be directed to the court, request a judicial order after notice and hearing, and contain further statements as indicated in this section. A petition for formal probate of a will:
 - a. Requests an order as to the testacy of the decedent in relation to a particular instrument which may or may not have been informally probated and determining the heirs.
 - b. Contains the statements required for informal applications as stated in ~~the five subdivisions under~~ paragraphs 1 through 6 of subdivision a of subsection 1 of section 30.1-14-01 and the statements required by subdivisions b and e of subsection 2 paragraphs 2 and 3 of subdivision b of subsection 1 of section 30.1-14-01.
 - c. States whether the original of the last will of the decedent is in the possession of the court or accompanies the petition.

If the original will is neither in the possession of the court nor accompanies the petition and no authenticated copy of a will probated in another jurisdiction accompanies the petition, the petition also must state the contents of the will, and indicate that it is lost, destroyed, or otherwise unavailable.

2. A petition for adjudication of intestacy and appointment of an administrator in intestacy must request a judicial finding and order that the decedent left no will and determining the heirs, contain the statements required by ~~subsections 4 and 4~~ subdivisions a and d of subsection 1 of section 30.1-14-01 and indicate whether supervised administration is sought. A petition may request an order determining intestacy and heirs without requesting the appointment of an administrator, in which case the statements required by ~~subdivision b of subsection 4~~ paragraph 2 of subdivision d of subsection 1 of section 30.1-14-01 may be omitted.

SECTION 50. AMENDMENT. Section 30.1-29-26 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

30.1-29-26. (5-426) Enlargement or limitation of powers of conservator.

Subject to the restrictions in subdivision d of subsection 2 of section 30.1-29-08, the court may confer on a conservator at the time of appointment or later, in addition to the powers conferred on the conservator by sections 30.1-29-24 and 30.1-29-25, any power which the court itself could exercise under ~~subsections 2 and 3~~ subdivisions b and c of subsection 2 of section 30.1-29-08. The court may, at the time of appointment or later, limit the powers of a conservator otherwise conferred by sections 30.1-29-24 and 30.1-29-25, or previously conferred by the court, and may at any time relieve the conservator of any limitation. If the court limits any power conferred on the conservator by sections 30.1-29-24 and 30.1-29-25, the limitation shall be endorsed upon the conservator's letters of appointment.

SECTION 51. AMENDMENT. Section 32-03-36 of the North Dakota Century Code is amended and reenacted as follows:

32-03-36. Recovery not more than gained by performance. Notwithstanding the provisions of this chapter, no person can recover a greater amount in damages for the breach of an obligation than the person could have gained by the full performance thereof on both sides, except in the cases wherein exemplary damages or penal damages are authorized, and in the ~~cases~~ case specified in ~~sections 32-03-19, 32-03-26, and section~~ section 36-21-13.

⁴¹ **SECTION 52. AMENDMENT.** Section 36-01-08.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

36-01-08.1. ~~Captive wildlife~~ Nontraditional livestock license - Fee. The board of animal health may require a license for ~~captive wildlife~~ nontraditional livestock maintained within this state. The annual fee for a license for a bird species required to be licensed is five dollars. The maximum amount of annual fees for bird species licenses to be paid by a person holding more than one bird species license is twenty-five dollars. The annual fee for a license for any other species required to be licensed is ten dollars. The maximum amount of annual fees for nonbird species licenses to be paid by a person holding more than one nonbird species license is seventy-five dollars.

⁴¹ Section 36-01-08.1 was also amended by section 4 of House Bill No. 1276, chapter 317.

SECTION 53. AMENDMENT. Section 37-15-16 of the North Dakota Century Code is amended and reenacted as follows:

37-15-16. Commandant shall take charge of unclaimed estates of small value.

If a member of the veterans' home dies leaving property of the value of three thousand dollars or less, the commandant immediately shall take charge of such property. If within forty-five days of the date of death no valid claim of any heir or devisee is made for the property and no application or petition has been filed for issuance of letters of administration, the commandant shall convert the property into cash without probate or other proceedings and make payment in the following order:

1. Reasonable funeral expenses.
2. Reasonable and necessary medical and hospital expenses of the last illness of the decedent.

If any cash remains the commandant shall deposit the cash with the state treasurer who shall credit it to the veterans' home ~~improvement~~ operating fund. The commandant shall make a report of the commandant's action to the administrative committee on veterans' affairs. The report must be audited by, and included in the records of, the committee.

SECTION 54. AMENDMENT. Section 37-15-17 of the North Dakota Century Code is amended and reenacted as follows:

37-15-17. Intestate members leaving estates valued in excess of three thousand dollars - Commandant to administer. If a member of the veterans' home dies leaving property in excess of three thousand dollars in value not disposed of by will, the commandant is entitled to letters of administration upon such estate. ~~He~~ The commandant shall make application apply to the proper court for letters of administration, qualify as administrator, and distribute and dispose of such estate as is provided by this code. If no valid claim is made to such estate by the heirs or the next of kin of the deceased member for a period of one year after the granting of letters of administration, the residue of the estate must be deposited with the state treasurer for the benefit of the veterans' home ~~improvement~~ operating fund.

SECTION 55. AMENDMENT. Section 37-15-21 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

37-15-21. Commandant may accept gifts, donations, or bequests. The commandant for and in behalf of the veterans' home is hereby authorized to accept and expend funds from any source, including federal or private sources and donations, gifts, or bequests offered or tendered to, or for the benefit of, the veterans' home to be used to benefit the veterans' home. All such moneys received or accepted must be used for the specific purposes for which they were given or donated. This authority shall apply and be retroactive to any or all gifts, donations, or bequests heretofore tendered, offered, or made. The veterans' home may establish and maintain its own local fund to administer moneys received under this section. All interest, rent, or income from moneys or property received under this section must be deposited in the veterans' home ~~improvement~~ operating fund unless by the terms of acquisition, the moneys are required to be maintained in a different manner.

SECTION 56. AMENDMENT. Section 38-08.1-03 of the North Dakota Century Code is amended and reenacted as follows:

38-08.1-03. Deemed doing business within state - Resident agent. A person must be deemed doing business within this state when engaged in geophysical exploration within the boundaries of this state, and shall, if not already qualified to do business within the state under chapter ~~40-22~~ 10-19.1, prior to such exploration, file with the secretary of state an authorization designating an agent for the service of process.

SECTION 57. AMENDMENT. Subsection 3 of section 38-08.1-03.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. Upon filing the bond required by this section and presenting a certificate of authority to transact business in this state issued pursuant to chapter ~~40-22~~ under section 10-19.1-136, a certificate of incorporation issued pursuant to ~~under~~ chapter 10-19.1, or some other certificate issued by the secretary of state showing the name of the person designated as resident agent for service of process, the commission shall issue to the person desiring to engage in geophysical exploration or plugging operations or any subcontractor of that person a certificate showing that the bond has been filed and showing the name and address of the surety company and the name of the person designated resident agent for service of process.

SECTION 58. AMENDMENT. Section 40-51.2-05 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-51.2-05. Notice - Petition of owners and electors - Mediation.

1. The governing body may not take final action on a petition presented by owners and qualified electors until the petitioners have given notice of presentation of the petition by one publication in the official newspaper of the city as provided by section 40-01-09 and the governing body has mailed a notice of the time and place of consideration of the petition to the owner of each parcel of real property within the area described in the petition at the person's last known mailing address. The notice is not required to be sent to any owner of real property who signed a petition pursuant to section 40-51.2-03 or 40-51.2-04. If the land area petitioned to be annexed to the city lies within the extraterritorial zoning or subdivision regulation authority of another city, the governing body of the city must also mail the notice of the time and place of consideration of the petition to the governing body of the other city.
2. If the land area petitioned to be annexed to the city lies within the extraterritorial zoning or subdivision regulation authority of another city and written consent to annex the land area is not received from the governing body of the other city, the annexing city may either stop its pursuit of the annexation or submit the matter to a committee for mediation as provided in section 40-51.2-07.1. If mediation does not resolve the matter, the office of administrative hearings may be petitioned to hear the matter in accordance with sections 40-51.2-08, 40-51.2-09, ~~40-51.2-10~~, 40-51.2-11, 40-51.2-12, 40-51.2-13, 40-51.2-14, 40-51.2-15, 40-51.2-16, and 40-51.2-17.

SECTION 59. AMENDMENT. Section 40-57.1-05 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-57.1-05. Reapplication for tax exemption - Discretion of board of equalization. The municipality or the state board of equalization, ~~in its discretion,~~ upon the presentation of additional facts and circumstances which were not presented or discovered at the time of the original application for tax exemption under the provisions of this chapter, may accept reapplications from project operators at any time if the project operators first publish notice of application for tax exemption as required by this chapter.

SECTION 60. AMENDMENT. Subsection 4 of section 41-09-16 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. A transaction, although subject to this chapter, is also subject to chapters ~~13-03~~ 13-03.1, 35-05, 49-09, and 51-13, and in the case of conflict between the provisions of this chapter and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.

SECTION 61. AMENDMENT. Section 42-04-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

42-04-01. "Agricultural operation" defined. As used in this chapter, "agricultural operation" means the science and art of production of plants and animals useful to ~~man people,~~ by a corporation ~~as provided in chapter 10-06,~~ or a limited liability company as allowed under chapter 10-06.1, a partnership, or a proprietorship, and including, to a variable extent, the preparation of these products for ~~man's people's~~ use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products, and farm production.

⁴² **SECTION 62. AMENDMENT.** Section 43-07-19 of the North Dakota Century Code is amended and reenacted as follows:

43-07-19. Nonresident contractors - Agent for service of process. Every applicant for a contractor's license who is not a resident of the state of North Dakota shall furnish to the secretary of state ~~of the state of North Dakota~~ a written appointment by which such applicant appoints the secretary of state ~~of the state of North Dakota~~ as ~~his~~ the applicant's true and lawful agent upon whom may be served all lawful process in any action or proceeding against such nonresident contractor. Such appointment in writing shall be evidence of said contractor's consent that any such process against ~~him~~ the contractor which is so served upon the secretary of state shall be of the same legal force and effect as if served upon ~~him~~ the contractor personally within this state. Registered foreign corporations entitled to do business in this state according to chapter ~~40-22~~ 10-19.1 and registered foreign limited liability companies entitled to do business in the state according to chapter 10-32 and having a current registered agent and registered address on file in the corporate division of the secretary of state's office need not appoint the secretary of state as agent for service of process under ~~the provisions of~~ this section. Within ten days after service of the summons upon the secretary of state, notice of such service ~~together~~ with the summons and complaint in the action shall be sent to the

⁴² Section 43-07-19 was also amended by section 6 of Senate Bill No. 2149, chapter 373.

defendant contractor at ~~his~~ the defendant contractor's last known address by registered or certified mail with return receipt requested and proof of such mailing shall be attached to the summons. The secretary of state shall keep a record of all process served upon ~~him~~ the secretary of state under ~~the provisions of~~ this section. ~~Such record shall show,~~ showing the day and hour of service. Whenever service of process ~~shall have been~~ was made as ~~provided in~~ under this section, the court, before entering a default judgment, or at any stage of the proceeding, may order such continuance as may be necessary to afford the defendant contractor reasonable opportunity to defend any action pending against ~~him~~ the defendant contractor.

⁴³ **SECTION 63. AMENDMENT.** Subsection 10 of section 43-17-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10. Any person rendering services as a ~~physician's trained~~ physician assistant, if such service is rendered under the supervision, control, and responsibility of a licensed physician ~~and provided that the.~~ However, sections 43-17-02.1 and 43-17-02.2 do apply to physician assistants. The state board of medical examiners shall prescribe rules ~~and regulations~~ governing the conduct, activities, and supervision of ~~physicians' trained~~ physician assistants. ~~Physicians' trained~~ Physician assistants may not be authorized to perform any services which must be performed by persons licensed pursuant to chapters 43-12.1, 43-13, 43-15, and 43-28 or services otherwise regulated by licensing laws, notwithstanding the fact that medical doctors need not be licensed specifically to perform the services contemplated under such chapters or licensing laws.

⁴⁴ **SECTION 64. AMENDMENT.** Subsection 1 of section 43-17.1-06 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Subpoena witnesses and physician and hospital records relating to the practice of any physician under investigation. The confidentiality of the records by any other statute or law does not affect the validity of the commission's subpoena nor the admissibility of the records ~~and in~~ board proceedings; however, the proceedings and records of a committee that are exempt from subpoena, discovery, or introduction into evidence under chapter 23-34 are not subject to this subsection.

SECTION 65. AMENDMENT. Subdivision h of subsection 1 of section 45-10.1-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- h. May not be the same as, or deceptively similar to:
 - (1) The name, whether foreign and authorized to do business in this state, or domestic, unless there is filed with the articles a

⁴³ Section 43-17-02 was also amended by section 2 of House Bill No. 1158, chapter 380.

⁴⁴ Section 43-17.1-06 was also amended by section 8 of House Bill No. 1157, chapter 381.

document in compliance with subsection ~~2 of this section~~ 3, of:

- (a) Another limited partnership;
 - (b) A corporation;
 - (c) A limited liability company; or
 - (d) A limited liability partnership; ~~or~~
- (2) A name the right to which is, at the time of organization, reserved in the manner provided in section 10-19.1-14, 10-32-11, 10-33-11, 45-10.1-03, or 45-22-05;
 - (3) A fictitious name registered in the manner provided in chapter 45-11; or
 - (4) A trade name registered in the manner provided in chapter 47-25.

⁴⁵ **SECTION 66. AMENDMENT.** Section 47-10.1-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

47-10.1-02. Restriction on acquisition - Exceptions. A person who is not a citizen of the United States or a citizen of Canada, except a permanent resident alien of the United States, may not acquire directly or indirectly any interest in agricultural land. A partnership, limited partnership, limited liability company, trustee, or other business entity may not, directly or indirectly, acquire or otherwise obtain any interest, whether legal, beneficial, or otherwise, in any title to agricultural land unless the ultimate beneficial interest of the entity is held directly or indirectly by citizens of the United States or permanent resident aliens of the United States. This section does not apply to agricultural land that may be acquired by devise, inheritance, as security for indebtedness, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise; provided, that all agricultural land acquired in the collection of debts or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership, if the acquisition would otherwise violate this section. This section does not apply to a foreign corporation or a foreign limited liability company which acquires agricultural land for use as an industrial site where construction contracts are entered into by the corporation or limited liability company within one hundred fifty days after acquisition of the land; provided, that this exception shall only apply to so much agricultural land as is reasonably necessary for industrial purposes. A foreign corporation or a foreign limited liability company which owns agricultural land for industrial purposes but which discontinues using the land for industrial purposes shall dispose of the land as provided by chapter ~~40-06~~ 10-06.1. A foreign corporation or foreign limited liability company shall dispose of agricultural land acquired for industrial purposes within one year after acquisition if construction contracts are not entered into within one hundred fifty days after acquisition of the land. This section does not apply to

⁴⁵ Section 45-10.1-02 was also amended by section 146 of Senate Bill No. 2271, chapter 95.

citizens or subjects of a foreign country whose rights to hold land are secured by treaty or to common carriers by railroad subject to the jurisdiction of the interstate commerce commission.

SECTION 67. AMENDMENT. Subsection 1 of section 47-15.1-03 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. A lessor shall include in a consumer rental purchase agreement:
 - a. The total number, total amount, and timing of all payments necessary to acquire ownership of the property.
 - b. A statement that the consumer does not own the property until the consumer has made the total payments necessary to acquire ownership.
 - c. A statement that the consumer is responsible for the fair market value of the property at the time it is lost, stolen, damaged, or destroyed, if that is the intent of the lessor.
 - d. A description of the leased property sufficient to identify the property to the consumer and the lessor, including any identification numbers, if applicable, in a statement indicating whether the property is new or used. A statement indicating that the property is used when in fact it is new is not a violation of this chapter.
 - e. A statement of the cash price of the property. If the agreement includes a lease of two or more items as a set, in one agreement, a statement of the aggregate cash price of all the items is sufficient.
 - f. The total of initial payments paid or required to be paid at or before consummation of the agreement or delivery of the property, whichever is later.
 - g. A statement that the total amount of a payment does not include other charges such as late payment penalties; default, pick-up, or reinstatement fees; and other fees which must be separately disclosed in the contract.
 - h. A statement clearly summarizing the terms of the consumer's option to purchase, including a statement that the consumer has the right to exercise any early purchase options and the price or formula or method for determining the price at which the property may be purchased at any given time.
 - i. A statement identifying the party responsible for maintaining or servicing the property while the property is being leased, together with a description of that responsibility, and a statement that if any part of the manufacturer's express warranty covers the leased property at the time the consumer acquires ownership of the property, the warranty is transferred to the consumer, if allowed by the terms of the warranty.
 - j. The date of the transaction, the identification of the lessor and consumer, and the address where the property will be primarily

located during the possession of the consumer under the ~~commercial~~ consumer rental purchase agreement.

- k. A statement that the consumer may terminate the agreement at any time without penalty by voluntarily surrendering or returning the property in good repair, ordinary wear and tear excepted, along with any payment of any past due rent.
- l. Notice of the right to reinstate an agreement as provided in this chapter.
- m. A statement that the lessor is required by law to provide the consumer a written receipt, upon request by the consumer at the lessor's place of business, for each payment made by cash or money order.

SECTION 68. AMENDMENT. Subsection 3 of section 50-06-01.8 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. The training, education, employment, and management program established under this section must provide for uniform and consistent treatment of income and assets in determining eligibility; provide for the creation of a uniform method of budgeting and computing benefits, a consistent certification period for the receipt of benefits, and uniform reporting requirements; provide for necessary child care to allow a participant to meet educational and employment goals; and provide for universal employment and training to assist individuals in becoming self-sufficient. The training, education, employment, and management program may be administered notwithstanding the requirements of section 50-01.2-03, ~~section 50-03-07~~, subsections 17 and 19 of section 50-06-05.1, chapter 50-09, and section 50-11.1-11.1, relating to the administration of the temporary assistance for needy families, fuel assistance, and food stamp programs. The training, education, employment, and management program may require any participant to cooperate with child support enforcement efforts.

SECTION 69. AMENDMENT. Section 51-14-03.2 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

51-14-03.2. Application of other provisions. Credit extended by a seller or holder of a revolving charge agreement to a buyer is not subject to chapter ~~13-03~~, 13-03.1; or 47-14.

SECTION 70. AMENDMENT. Subsection 5 of section 53-06.2-11 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. A licensee may not use any of the portion deducted for expenses under subsections 1 and 2 for expenses not directly incurred by the licensee in conducting parimutuel racing under the certificate system. After paying qualifying expenses, the licensee shall use the remainder of the amount so withheld only for eligible uses allowed to charitable gambling organizations under subsection ~~6 2~~ of section ~~53-06.1-04~~ 53-06.1-11.

SECTION 71. AMENDMENT. Subsection 1 of section 54-40-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Two or more governmental units or municipal corporations having in common any portion of their territory or boundary, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise their respective separate powers, or any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised for the purpose of acquiring, constructing, and maintaining any building for their joint use. The term "governmental unit" as used in this section includes ~~and means~~ every city, county, ~~town,~~ park district, school district, states and United States governments and departments of each thereof, and all other political subdivisions even though not specifically named or referred to herein.

SECTION 72. AMENDMENT. Section 57-15-08 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-15-08. ~~Tax~~ General fund levy limitations in cities. The aggregate amount levied for general city purposes may not exceed an amount produced by a levy of thirty-eight mills on the taxable valuation of property in the city; ~~provided, that in cities. Cities~~ with a population of over five thousand ~~they be permitted to~~ may levy an additional one-half of one mill for each additional one thousand population in excess of five thousand, ~~and provided, further, that the~~ up to a maximum levy for general city purposes ~~may not exceed of~~ forty mills; ~~except that a.~~ A city, when authorized by a majority vote of the electors of the city voting on the question ~~upon the submission of such question~~ at a regularly scheduled or special election called for such purpose pursuant to a resolution approved by the governing body of ~~such the~~ the city, may increase the maximum mill levy for general city purposes by not more than ten mills; ~~and that in a city supporting a band or public library an additional levy, not to exceed one mill on the taxable valuation of property in such city, may be made for a band, and an additional levy not to exceed four mills on the taxable valuation of property in such city may be made for a public library.~~

⁴⁶ **SECTION 73.** A new subsection to section 57-15-10 of the North Dakota Century Code is created and enacted as follows:

Taxes levied for support of a city band may be levied in an amount not exceeding one mill.

SECTION 74. AMENDMENT. Subdivision b of subsection 2 of section 57-35.3-05 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- b. For purposes of determining distributions to and from the counties under section ~~57-38.3-09~~ 57-35.3-09:

⁴⁶ Section 57-15-10 was also amended by section 18 of House Bill No. 1201, chapter 211, and section 2 of Senate Bill No. 2382, chapter 499.

- (1) The balance in the financial institution tax distribution fund and the amount of the payment received by each county from the state shall be determined as if any credit allowed under subdivision a had not been claimed and the full amount of the tax otherwise due had been timely paid;
- (2) The credited amount must be deducted from the distributions that would otherwise be made to and from the county that received the tax overpayment until the sum of the deductions equals the credit; and
- (3) The deductions from distributions made by a county to each distributee must be proportionate to the overpayment of tax received by each distributee.

SECTION 75. AMENDMENT. Section 61-04.1-13 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-13. Operator deemed to be doing business within state - Resident agent. A person shall be deemed doing business within this state when engaged in weather modification operations within the boundaries of this state, and shall, if not already qualified to do business within this state under chapter ~~40-22~~ 10-19.1, prior to conducting such operations, file with the secretary of state an authorization designating an agent for the service of process.

SECTION 76. AMENDMENT. Section 61-04.1-14 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-14. Issuance of license - Fee. The board shall provide, by rule, the procedure and criteria for the issuance of a license. The board, in accordance with its rules, shall issue a weather modification license to each applicant who:

1. Pays a license fee of fifty dollars.
2. Demonstrates competence to engage in weather modification operations, to the satisfaction of the board.
3. Designates an agent for the service of process pursuant to section 61-04.1-13 or chapter ~~40-22~~ 10-19.1.

Each license issued by the board shall be nontransferable and shall expire on December thirty-first of the year of issuance. A license shall be revocable for cause at any time prior to such date if, after holding a hearing upon due notice, the board shall determine that cause for revocation exists. License fees collected by the board shall be paid into the general fund in the state treasury.

SECTION 77. AMENDMENT. Section 61-21-47 of the North Dakota Century Code is amended and reenacted as follows:

61-21-47. Expenditures in excess of maximum levy. If the cost of maintenance, cleaning out, and repairing any drain shall exceed the amount produced by the maximum levy of one dollar and fifty cents per acre [.40 hectare] in any year, ~~together~~ with the amount accumulated in the drainage fund, the board may proceed with such cleaning out and make an additional levy only upon petition of at least sixty-one percent of the affected landowners. The percentage of the

affected landowners signing such petition shall be determined in accordance with the weighted voting provisions in section 61-21-16.

⁴⁷ **SECTION 78. AMENDMENT.** Section 61-35-25 of the North Dakota Century Code is amended and reenacted as follows:

61-35-25. Alternate operation by nonprofit corporation or cooperative. A nonprofit corporation or cooperative association established under title 10 for the specific purpose of operating a rural water system may petition the state engineer to organize a district, in the manner provided by section 61-35-02. The signatures of the corporation's or cooperative's officers on the petition and a resolution adopted by the members in the manner provided in section 10-15-37 for amendments to articles or in the manner provided in ~~subsections 4 and 2 of section 10-26-01~~ chapter 10-33 for dissolution, as the case may be, approving the petition suffice in lieu of signatures of owners of fifty percent of the real property in the proposed district, if the petition presenter provides evidence satisfactory to the state engineer that a sufficient number of members of the proposed district will subscribe or have subscribed to benefit units to make its operation feasible. The procedure for hearing and determination of disposition of the petition is as provided by this chapter. In any district organized upon the petition of a nonprofit corporation or cooperative association, the following procedures apply:

1. After final approval of the petition by the state engineer, the secretary of the corporation or cooperative shall file a notice with the corporation or cooperative in accordance with title 10.
2. Upon filing of the notice, the nonprofit corporation or cooperative ceases to exist as a title 10 entity and all assets and liabilities of the nonprofit corporation or cooperative become the assets and liabilities of the newly organized district without any further meetings, voting, notice to creditors, or other actions by the members of the board.
3. The officers and board of directors of the corporation or cooperative are the officers and board of the district.
4. The applicable laws of the state and the articles of incorporation and bylaws of the corporation or cooperative control the initial size and initial term of office of officers and the board, in lieu of sections 61-35-08 through 61-35-11.
5. The district shall bring its operation and structure into compliance with the requirements of section 61-35-08 regarding the number and qualification of directors, section 61-35-09 regarding new bylaws, section 61-35-10 regarding dividing its directors into classes, and section 61-35-11 regarding board meetings at the first annual meeting of the participating members and board. The new district has all the rights and all the property of the original corporation or cooperative and is responsible for all its obligations. Title to any property is vested in the new district with no reversion or impairment of ownership rights caused by the conversion to a district. A water supply agreement entered by a

⁴⁷ Section 61-35-25 was also amended by section 4 of House Bill No. 1140, chapter 544.

nonprofit corporation or cooperative association is binding for its term on a successor district organized by the nonprofit corporation or cooperative association, unless otherwise agreed in writing by all parties to the agreement. The right of any creditor may not be impaired by this section without the creditor's consent.

SECTION 79. REPEAL. Sections 10-19.1-03, 10-19.1-131, 14-02.1-06, 28-32-22, and chapter 61-24.4 of the North Dakota Century Code are repealed.

Approved March 23, 1999

Filed March 23, 1999

CHAPTER 51

HOUSE BILL NO. 1044

(Legislative Council)
(Judiciary Committee)

TWENTIETH CENTURY REFERENCE CORRECTIONS

AN ACT to amend and reenact section 4-22-47, subsection 4 of section 6-08-16, subsection 7 of section 6-08-16.2, sections 11-19-05, 11-19-11, 14-03-20, subsection 3 of section 16.1-01-09, sections 16.1-11-10, 16.1-11.1-02, 16.1-12-02.1, 16.1-13-05, 16.1-14-20, 16.1-15-45, 21-01-06, 27-06-07, 29-05-31, 32-09.1-07, subsection 5 of section 32-09.1-09, sections 35-22-07, 37-07-03, 37-08-02, subsection 1 of section 43-25-11, sections 47-16-36, 57-09-06, 57-20-05, 57-24-20, 57-24-24, 57-25-05, 57-27-06, 57-27-07, 57-27-08, 57-27-09, 57-28-05, 57-28-07, 57-28-16, 58-16-03, 60-02-13, 61-05-15, 61-06-10, 61-24-03, 61-24.5-06, and 61-24.5-07 of the North Dakota Century Code, relating to corrections of twentieth century statutory references.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4-22-47 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-22-47. Consolidation of districts - Petition - Referendum - Conduct of referendum. Two or more districts may be consolidated into one district by compliance with this chapter. A petition for consolidation of soil conservation districts must be filed with the state soil conservation committee and must be signed by at least twenty-five qualified electors living in each district. Upon the filing of a petition, the committee by resolution shall fix a date for a referendum to be held in each district and shall direct the supervisors to cause notice of the referendum to be posted in at least five conspicuous places within the district and to be published once each week for two consecutive weeks before the referendum in a newspaper of general circulation in the districts involved. Only qualified electors living within the district are eligible to vote at the referendum. The notice must state the date of the referendum, identify each polling place for holding the referendum, the time when the polls will open and close, and the question to be submitted to the qualified electors. The notice must be substantially in the following form:

On the _____ day of _____, 19 _____, a referendum will be held at _____ for the purpose of submitting
(Designate polling place or places)
to the qualified electors within _____ soil conservation
(Name of district)
district the question as to whether _____ soil conservation
(Name of districts)
districts embracing the following townships _____
(Designate townships, by number and range)
shall be consolidated into one soil conservation district.

The ballot must be in the following form:

Shall _____ soil conservation districts embracing the
 (Names of districts)
 following townships _____ be
 (Designate townships, by number and range)
 consolidated into one soil conservation district?
 Yes _____
 No _____

The board of supervisors of the district shall appoint the board of election for each polling place. The board of election must consist of one inspector, one judge, and one clerk. Members of the election board are entitled to receive five dollars for their services.

⁴⁸ **SECTION 2. AMENDMENT.** Subsection 4 of section 6-08-16 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 4. A notice of dishonor may be mailed by the holder, or its agent or representative, of the check upon dishonor. Proof of mailing may be made by return receipt or by an affidavit of mailing signed by the individual making the mailing. The notice must be in substantially the following form:

Notice of Dishonored Check

Date _____
 Name of Issuer _____
 Street Address _____
 City and State _____
 You are according to law notified that a check dated _____, 49____,
 drawn on the _____ Bank of _____ in the
 amount of _____ has been returned unpaid with the notation the payment
 has been refused because of nonsufficient funds. Within ten days from the
 receipt of this notice, you must pay or tender to _____
 (Holder or Agent or Representative)

sufficient moneys to pay such instrument in full and any collection fees or costs not in excess of twenty dollars.

The notice of dishonor also may contain a recital of the penal provisions of this section and the possibility of a civil action to recover any collection fees or costs or civil penalty authorized by this section.

⁴⁹ **SECTION 3. AMENDMENT.** Subsection 7 of section 6-08-16.2 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

⁴⁸ Section 6-08-16 was also amended by section 1 of Senate Bill No. 2326, chapter 79, and section 1 of House Bill No. 1243, chapter 80.
⁴⁹ Section 6-08-16.2 was also amended by section 3 of Senate Bill No. 2326, chapter 79, and section 2 of House Bill No. 1243, chapter 80.

State of North Dakota;)
) ss.
County of _____)

An inquisition was held at _____ in _____ County, state aforesaid, on the _____ day of _____, 19____, before _____ coroner of such county, upon the body of _____ (or person unknown) ~~there lying dead~~, by the jurors whose names are ~~hereto~~ subscribed. The ~~said~~ jurors, upon their oaths, ~~do~~ say (here state when, how, by what person, means, weapon, or accident, the person came to die, and whether feloniously).

~~In testimony whereof, said~~ The jurors have ~~hereunto~~ set their hands signed this return on the indicated day and year ~~aforesaid~~.

~~Such~~ The coroner shall attest the inquisition shall be attested by the coroner.

⁵⁰ SECTION 6. AMENDMENT. Section 14-03-20 of the North Dakota Century Code is amended and reenacted as follows:

14-03-20. License and certificate. The marriage license and certificate of the person solemnizing the marriage must be upon one blank form in duplicate consisting of two pages with a perforated seam to make it readily detachable. The form must be substantially as follows:

MARRIAGE LICENSE

State of North Dakota;)
) ss.
County of _____)

To any person authorized by law to perform the marriage ceremony; ~~greetings:~~

You ~~are hereby authorized to~~ may join in marriage _____ of _____, aged _____ who has _____ been divorced, and _____ of _____, aged _____ who has _____ been divorced; ~~and of.~~ You shall return this license and your certificate you will make due return to my office within five days. Dated at _____ this _____ day of _____, 19____. (Seal)

Clerk of District Court

CERTIFICATE OF MARRIAGE

I ~~hereby~~ certify that the persons named in the foregoing license, _____ and _____, whose names after marriage are _____ and _____, respectively, were ~~by me~~ joined in marriage by me at _____, county of _____, State of North Dakota, on the _____ day of _____, 19____.

⁵⁰ Section 14-03-20 was also amended by section 31 of House Bill No. 1275, chapter 278.

In the presence of

_____) _____
_____) _____

Witnesses

Every marriage license must contain the full name of each party before the marriage. Every certificate of marriage must contain the full name of each party before and after the marriage and be signed by two witnesses to the marriage in addition to the signature of the person who solemnized the marriage.

SECTION 7. AMENDMENT. Subsection 3 of section 16.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

- 3. Each copy of any petition provided for in this section, before being filed, must have attached ~~thereto~~ an affidavit executed by the circulator in substantially the following form:

State of North Dakota)
) ss.
County of _____)
(county where signed)

I, _____, being ~~duly~~ sworn, ~~depose and~~ say that I am a
(circulator)
qualified elector; that I reside at _____;
(address)

that each signature contained on the attached petition was executed in my presence; and that to the best of my knowledge and belief each person whose signature appears on the attached petition is a qualified elector; and that each signature contained on the attached petition is the genuine signature of the person whose name it purports to be.

(signature of circulator)

Subscribed and sworn to before me this _____ day of on _____,
19____, at _____, North Dakota.

(Notary Seal) _____ (city)

(signature of notary)
Notary Public; ~~North Dakota~~
My commission expires _____

SECTION 8. AMENDMENT. Section 16.1-11-10 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-10. Applicant's name placed upon ballot - Affidavit to accompany petition. Upon receipt by the secretary of state of the petition or certificate of endorsement provided for in section 16.1-11-06 accompanied by the following affidavit, the secretary of state shall place the applicant's name upon the primary election ballot in the columns of the applicant's party as hereinafter provided. The affidavit must be substantially as follows:

State of North Dakota)
County of _____) ss.

I, _____, being duly sworn, depose and say that I reside in the county of _____ and state of North Dakota; that I am a candidate for nomination to the office of _____ to be chosen at the primary election to be held on _____, 19____, and I do hereby request that my name be printed upon the primary election ballot as provided by law, as a candidate of the _____ party for said office.

Candidate's signature

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public, North Dakota

NOTARY SEAL

My Commission Expires _____

SECTION 9. AMENDMENT. Section 16.1-11.1-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11.1-02. Application for mail ballots. The county auditor shall mail an application form for a mail ballot to each person listed in the pollbooks of the county from the last regular statewide election on one date no sooner than the forty-fifth day before the election and no later than the thirtieth day before the election. The county auditor, for two consecutive weeks after the date on which the mail ballot applications are mailed, shall publish in the official newspaper of the county an application form for a mail ballot and a notice that additional mail ballot applications may be obtained from the election official. The application form for a mail ballot must be in substantially the following form:

I, _____, am or will be a duly qualified elector and to my best (please print name)

knowledge and belief am or will be entitled to vote at the primary election. I hereby apply for an official mail ballot to be voted by me at that election. I understand that it is a criminal offense to knowingly vote when not qualified to do so.

I have or will have resided at the below address for at least thirty days before the election. My phone number is _____.

Dated this _____ day of _____, 19____.

(Signature of Applicant)

(Mailing Address)

_____, North Dakota _____ (City) (Zip Code)

ballots may not be considered in determining which form of voting is used. Candidates from each legislative district which falls within the boundaries of the county must be listed in a separate box or category within the sample ballot by legislative district number to enable the voters in each legislative district to ascertain the legislative candidates in their specific district. Sample ballots used for publication purposes must be arranged using the rotation of the ballot in the precinct in the county which cast the highest total vote for governor at the last general election at which the office of governor was filled. The notice must include a statement in substantially the following format:

The arrangement of candidate names appearing on ballots in your precinct may vary from the published sample ballots, depending upon the precinct and legislative district in which you reside.

SECTION 12. AMENDMENT. Section 16.1-14-20 of the North Dakota Century Code is amended and reenacted as follows:

16.1-14-20. Application for presidential ballot by new residents. A person desiring to qualify to vote for presidential electors is not required to register but, not less than ten days in advance of the election, shall make an application in the form of an affidavit executed in duplicate in the presence of the county auditor substantially as follows:

State of North Dakota)
) ss.
County of _____)

I, _____, do solemnly swear that:

1. I am a citizen of the United States.
2. Before becoming a resident of this state, I resided at _____ street, in the (town) (township) (city) of _____, county of _____ in the state of _____.
3. On the day of the next presidential election, I shall be at least eighteen years of age. I have been a resident of this state since ~~the~~ _____ day of _____, 19____, now residing at _____ street, in the (town) (township) (city) of _____, county of _____ in the state of North Dakota.
4. I have resided in _____ precinct for less than thirty days. I believe I am entitled under the laws of this state to vote at the presidential election to be held on ~~the~~ _____ day of November _____, 19____.
5. I ~~hereby make application~~ apply for a presidential election ballot. I have not voted and will not vote otherwise than by this ballot at that election.

Signed _____
(Applicant)

Subscribed and sworn to before me this _____ day of _____, 19____.

Signed _____
(Title and name of officer
authorized to administer oaths)

SECTION 13. AMENDMENT. Section 16.1-15-45 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-45. Form of certificate of election for state officers - Signatures. A certificate of election must be prepared by the secretary of state for each person elected to a state or a district office. The certificate, in substance, must be in the following form:

At an election held on the _____ day of _____, 19____, _____ was elected to the office of _____ of this state for the term of _____ years from the _____ day of _____ in the year, _____, (or, if to fill a vacancy, for the residue of the term ending on the _____ day of _____, 19____), and until a successor is duly elected and qualified.

Given at Bismarck this _____ day of _____, 19____.

The certificate must be signed by the governor and the secretary of state, and must have the great seal of the state affixed ~~thereto~~, and must be attested by at least one of the other members of the state canvassing board.

SECTION 14. AMENDMENT. Section 21-01-06 of the North Dakota Century Code is amended and reenacted as follows:

21-01-06. Registration of warrants - Rate of interest. Whenever the law authorizes the officers of any taxing district to issue warrants in excess of the amount of cash available in any fund upon which warrants are drawn for payment, the treasurer of ~~such that~~ taxing district, when any ~~such~~ warrant is presented to ~~him~~ the treasurer for payment, if not paid for want of funds, shall endorse the same "Presented for payment ~~this~~ _____ day of _____, 19____, and not paid for want of funds", and thereupon shall enter ~~such the~~ warrant in ~~his~~ the treasurer's warrant register in the order of presentation for registration. The governing body of ~~any such a~~ taxing district authorizing the issuance of warrants in excess of cash on hand shall determine the rate of interest which ~~such the~~ warrants must bear, but in the case of counties and cities ~~such the~~ rate may not exceed eight percent per annum from the date of registration until the expiration of the time specified for presentment for payment.

SECTION 15. AMENDMENT. Section 27-06-07 of the North Dakota Century Code is amended and reenacted as follows:

27-06-07. Certification of transcript. Each transcript prepared by a district court reporter must be certified by the reporter in the following form:

CERTIFICATE OF COURT REPORTER

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF _____)

I, _____, a duly appointed official court reporter,

~~DO HEREBY~~ CERTIFY that I recorded in shorthand the foregoing proceedings had and made of record at the time and place indicated.

I ~~DO HEREBY~~ FURTHER CERTIFY that the foregoing and attached _____ typewritten pages contain an accurate transcript of my shorthand notes then and there taken.

Dated at _____, North Dakota, this _____ day of on _____, 19____.

Official Court Reporter

If the person preparing the transcript has ceased to hold office as court reporter, the certificate must be made under oath.

SECTION 16. AMENDMENT. Section 29-05-31 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

29-05-31. Uniform traffic complaint and summons. There is hereby established a uniform complaint and summons that may be used in cases involving violations of statutes or ordinances relating to the operation or use of motor vehicles. Whenever the complaint and summons established by this section is used, the provisions of rule 5 of the North Dakota Rules of Criminal Procedure relating to arrests without warrants do not apply, and magistrates or state's attorneys are not required to make another complaint of the offense charged in the uniform complaint and summons. The uniform complaint and summons must be in substantially the following form:

State of North Dakota)
County of _____) ss.
In _____ Court,
Before Hon. _____;

The undersigned, being duly sworn, ~~upon oath deposes and~~ says that, on the _____ day of _____, 19____,

First Name Middle Name Last Name Street City State
did unlawfully operate a motor vehicle upon a public highway, namely _____, _____ N E S W of _____ and did then and there commit
Location City
the following offense: _____
MPH in _____
MPH Zone _____

All in violation of ~~Sec. _____ of the N.D. Century Code as amended~~
~~Sec. _____~~ and against the peace and dignity of the state of N.D.
Officer _____ LET A WARRANT ISSUE HEREIN Sworn to and
subscribed before me this _____ day of on _____, 19____.

Judge

State's Attorney

DESCRIPTION OF DEFENDANT AND VEHICLE

Mo. ___ Day ___ Yr. ___ Race ___ Sex ___ Wt. ___ Ht. ___
Birth date
Hair ___ Dr. Lic: State ___ No. ___ Motor Vehicle:
PSC
Make ___ Reg. No. ___ State ___ Year ___ ICC No. ___

CLAIMED CONDITIONS OF THE VIOLATION

SLIPPERY SURFACE

___ Rain ___ Snow ___ Ice

DARKNESS

___ Night ___ Fog ___ Snow

OTHER TRAFFIC PRESENT

___ Cross ___ Oncoming ___ Pedestrian ___ Same direction

IN ACCIDENT

___ Ped. ___ Vehicle ___ Intersection
___ Right angle ___ Head on ___ Rear end
___ Ran off road ___ Other

Area: ___ School ___ Rural ___ Business
___ Industrial ___ Residential

Highway: ___ 2 Lane ___ 4 Lane ___ 4 Lane Divided
Type

___ Gravel ___ Dirt

OFFENSE CONTRIBUTED MATERIALLY TO ACCIDENT

___ Yes ___ No

THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANT
(CITY ORDINANCE OR STATE CRIMINAL TRAFFIC VIOLATION)

You are hereby summoned to appear at the time and place designated below
to answer to the charge above indicated to be made against you

Appearance

Before: Municipal Judge-District Ct. _____
_____ A.M./P.M.

Location Month Day Year Time
Dated this ___ day of ___ 19___
Officer _____

PROMISE TO APPEAR

I hereby consent and promise to appear at the time and place specified in the
above summons, the receipt of a copy of which is hereby acknowledged, and I
expressly waive earlier hearing.

Dated this ___ day of ___ 19___
Defendant _____

(STATE NONCRIMINAL TRAFFIC VIOLATION)

You are ~~hereby~~ notified of your right to request, within fourteen days of the date of this citation, a hearing concerning the alleged traffic violation. If you do not request a hearing, the bond is deemed forfeited and the violation admitted. If you are requesting a hearing, date and sign the following portion of this citation AND INCLUDE THE BOND NOTED ON THIS CITATION for the alleged violation. Failure to do so may result in the suspension of your operator's license. You will be notified of the hearing date by the court for the county in which this citation was issued.

REQUEST FOR HEARING

I ~~hereby~~ submit the designated bond and request a hearing on the alleged traffic violation and promise to appear at the time and date specified in the summons issued by the court for the county in which the citation was issued.

Dated this _____ day of _____ 19____
 Defendant _____

⁵¹ **SECTION 17. AMENDMENT.** Section 32-09.1-07 of the North Dakota Century Code is amended and reenacted as follows:

32-09.1-07. Form of summons and notice. The garnishee summons must state that the garnishee ~~must~~ shall serve upon the plaintiff or the plaintiff's attorney within twenty days after service of the garnishee summons a written disclosure, under oath, of indebtedness to the defendant and answers to all written interrogatories that are served with the garnishee summons. The plaintiff may not require disclosure of indebtedness or property of the defendant in the garnishee's possession or under the garnishee's control to the extent that the indebtedness or property exceeds one hundred ten percent of the amount of the judgment which remains unpaid. The garnishee summons must include the full name of the defendant and place of residence and the amount of the judgment which remains unpaid. The garnishee summons must also state that the garnishee ~~must~~ shall retain property or money in the garnishee's possession pursuant to this chapter until the plaintiff causes a writ of execution to be served upon the garnishee or until the defendant authorizes release to the plaintiff and must state that after the expiration of the period of time specified in section 32-09.1-20, the garnishee ~~must~~ shall release all retained property and money to the defendant and is discharged and relieved of all liability on the garnishee summons. The garnishee summons must state that no employer may discharge any employee because the employee's earnings are subject to garnishment. The garnishee summons must state that any assignment of wages made by the defendant or indebtedness to the garnishee incurred within ten days before the receipt of notice of the first garnishment on the underlying debt is void. The garnishee summons must state the date of the entry of judgment against the defendant. The garnishee summons must state that the defendant ~~must~~ shall provide to the garnishee within ten days after receipt of the garnishee summons a verified list of the dependent family members who reside with the defendant and their social security numbers, if any, to have the maximum amount subject to garnishment reduced under subsection 2 of section 32-09.1-03. The garnishee summons must

⁵¹ Section 32-09.1-07 was also amended by section 1 of Senate Bill No. 2194, chapter 302.

state that failure of the defendant to provide a verified list to the garnishee within ten days after receipt of the garnishee summons is conclusive with respect to whether the defendant claims no family members.

The garnishee summons and notice to defendant must be substantially in the following form:

State of North Dakota)	In _____ Court
) ss.	
County of _____)	_____

	Plaintiff	
against		Garnishee Summons and
_____		Notice to Defendant
	Defendant	
and		

	Garnishee	

The State of North Dakota to the above-named Garnishee:

You ~~must~~ shall serve upon the plaintiff or the plaintiff's attorney, within twenty days after service of this summons upon you, a written disclosure, under oath, setting forth the amount of any debt you may owe to the defendant, _____ (give full name and residence of defendant) and a description of any property, money, or effects owned by the defendant which are in your possession. Your disclosure need not exceed \$ _____. (Enter 110 percent of the plaintiff's judgment which remains unpaid.) The date of entry of the judgment against the defendant was _____ (enter date of entry of plaintiff's judgment) and the amount of the judgment that remains unpaid is \$ _____.

The defendant ~~must~~ shall provide you with a verified list of the names of dependent family members who reside with the defendant and their social security numbers if the defendant desires to have the garnishment amount reduced under subsection 2 of section 32-09.1-03. Failure of the defendant to provide the list to you is conclusive to establish that the defendant claims no dependent family members reside with the defendant.

Failure to disclose and withhold may make you liable to the plaintiff for the sum of \$ _____. (Enter the lesser of the plaintiff's judgment against the defendant or 110 percent of the amount that remains unpaid.)

You ~~must~~ shall retain the defendant's nonexempt property, money, and effects in your possession until a writ of execution is served upon you, until the defendant authorizes release to the plaintiff, or until the expiration of 180 days from the date of service of this summons upon you. If no writ of execution has been served upon you or no agreement has been made for payment within 180 days, the garnishment ends and any property or funds held by you must be returned to the defendant if the defendant is otherwise entitled to their possession.

Any assignment of wages by the defendant or indebtedness to you incurred by the defendant within ten days before the receipt of the first garnishment on a debt is void and should be disregarded.

includes military retirement pay. "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld. If the garnishee summons was served upon you at a time when earnings from a prior completed pay period were owing but not paid, complete the following disclosure for earnings from both the past pay period and the current pay period.

- a. Enter on the line below the amount of disposable earnings earned or to be earned by the defendant within the defendant's pay periods which may be subject to garnishment.

- b. Enter on the line below forty times the hourly federal minimum wage times the number of workweeks within the defendant's pay periods which may be subject to garnishment. When pay periods consist of other than a whole number of workweeks, each day of a pay period in excess of the number of completed workweeks must be counted as a fraction of a workweek equal to the number of workdays divided by the number of workdays in the normal workweek.

- c. Enter on the line below the difference obtained (never less than zero) when line b is subtracted from line a.

- d. Enter on the line below 25 percent of line a.

- e. Enter on the line below the lesser of line c and line d.

- f. Enter on the line below the number of dependent family members living with the defendant (if properly claimed within ten days after receipt of the garnishee summons).

- g. Enter on the line below an amount equal to the number of dependents (line f) times twenty dollars times the number of workweeks used to compute line b.

- h. Enter on the line below the difference (never less than zero) when line g is subtracted from line e.

2. Money. Enter on the line below any amounts due and owing defendant, except earnings, from the garnishee.

3. Property. Describe on the line below any personal property, instruments, or papers belonging to the defendant and in the possession of the garnishee.

4. Setoff. Enter on the line below the amount of any setoff, defense, lien, or claim which the garnishee claims against the amount set forth on lines 1(h), 2, and 3. Allege the facts by which the setoff, defense, lien, or claim is claimed. (Any indebtedness to a garnishee-employer incurred by the judgment debtor within ten days before the receipt of the first garnishment on a debt is void and should be disregarded.)

5. Adverse Interest. Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the defendant's property. State each person's name and address and the nature of that person's claim, if known. (Any assignment of wages made by the defendant within ten days before the receipt of the first garnishment on a debt is void and should be disregarded.)

6. Enter on the line below the total of lines 4 and 5.

7. Enter on the line below the difference obtained (never less than zero) when line 6 is subtracted from the sum of lines 1(h), 2, and 3.

8. Enter on the line below 110 percent of the amount of the judgment creditor's judgment which remains unpaid.

9. Enter on the line below the lesser of line 7 and line 8. As garnishee, you are hereby instructed to retain this amount only if it is \$10.00 or more.

Signature _____
Authorized Representative
of Garnishee

Title

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public

SECTION 19. AMENDMENT. Section 35-22-07 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

35-22-07. Notice of sale - Form. The notice of sale must be in substantially the following form:

Notice is hereby given that that certain mortgage, executed and delivered by _____, mortgagor, to _____, mortgagee, dated the _____ day of _____, 19____, and filed for record in the office of the register of deeds of the county of _____ and state of North Dakota on the _____ day of _____, 19____, and recorded in book _____ of _____ at page _____ (and assigned by said mortgagee to _____), will be foreclosed by a sale of the premises in such mortgage and hereinafter described at the front door of the courthouse in the county of _____ and state of North Dakota at the hour of _____ o'clock ___ m., on the _____ day of _____, 19____, to satisfy the amount due upon such mortgage on the day of sale. The premises described in such mortgage and which will be sold to satisfy the same are described as follows: (here insert description and street address, if any).

There will be due on such mortgage at the date of sale the sum of _____ dollars.

The failure to include the street address in the notice does not affect the validity of the notice.

SECTION 20. AMENDMENT. Section 37-07-03 of the North Dakota Century Code is amended and reenacted as follows:

37-07-03. Enlisted men to sign contract of enlistment and subscribe to oath. ~~Men~~ Individuals enlisting in the national guard of this state shall sign an enlistment contract and subscribe the following oath of enlistment:

I ~~do hereby~~ acknowledge to have voluntarily enlisted this _____ day of _____, 19____, as a soldier in the national guard of the United States and of the state of North Dakota, for the period of three years (or one year _____,) under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear

true faith and allegiance to the United States of America and to the state of North Dakota, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the president of the United States and of the governor of the state of North Dakota, and of the officers appointed over me according to law, the rules of war, and the uniform code of military justice.

SECTION 21. AMENDMENT. Section 37-08-02 of the North Dakota Century Code is amended and reenacted as follows:

37-08-02. Enlistments in national guard reserve - Contract - Oath. ~~Men~~ Individuals duly qualified for enlistment in the active national guard may enlist in the national guard reserve for a period of one year or three years under ~~such the~~ regulations as prescribed by the secretary of defense ~~shall prescribe~~. Upon enlisting in ~~such the~~ reserve, each ~~man~~ individual shall subscribe the following enlistment contract and take the oath therein specified:

I ~~do hereby~~ acknowledge to have voluntarily enlisted ~~this~~ _____ ~~day of on~~ _____, 19____, as a soldier in the national guard of the United States and of the state of North Dakota, to serve in the reserve thereof, or in the active national guard of the United States and said state if transferred thereto, for a period of one year (or three years), unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the state of North Dakota, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the president of the United States and the governor of the state of North Dakota, and of the officers appointed over me according to law, the rules of war, and the uniform code of military justice.

SECTION 22. AMENDMENT. Subsection 1 of section 43-25-11 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- Whenever accusations under section 43-25-10 are filed, the board shall set a day for hearing and the secretary-treasurer of the board shall transmit to the accused a copy of all charges filed relating to the accusations, and shall notify in writing the accused that on the day fixed for the hearing, which may not be less than ten days from the date of notice, the accused may appear or show cause why the accused's license to practice massage in this state should not be revoked, suspended, or annulled. For the purpose of this type of hearing, the board may require by subpoena the attendance of witnesses, to administer oaths and hear testimony and receive evidence, either oral or documentary, for and against the accused, and the accused has the right at the hearing to cross-examine the witnesses, to produce defense witnesses, and to appear personally or by counsel. The notice provided for in this section must be substantially in the following form:

To _____ charges have been filed with the secretary-treasurer of the North Dakota Board of Massage against you as a practicing _____ in the state of North Dakota. A
(Massage Therapist)

copy of the charges is attached. The board has fixed ~~the~~ _____
~~day of~~ _____, 19____, at _____ o'clock

_____ at _____ in _____ for a hearing on ~~such the~~ charges, at which time and place you are to appear before the board, and show cause, if you can, why your license to practice massage in the state of North Dakota should not be revoked, suspended, or annulled. At the same time and place the board will hear testimony and receive evidence, either oral or documentary, or both, for and against you relating to the charges.

Dated at _____ this _____ day of _____, 19____.

Secretary-treasurer of the
North Dakota Board of Massage

SECTION 23. AMENDMENT. Section 47-16-36 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

47-16-36. Duty of lessee to have terminated or forfeited lease released - Publication notice - Satisfaction of lease to be recorded - Notice to real property owner - Remedies. When any oil, gas, or other mineral lease ~~heretofore or hereafter~~ given on real property situated in any county of North Dakota and recorded therein ~~shall terminate~~ terminates or ~~become~~ is forfeited it ~~shall be~~ is the duty of the lessee, ~~his the lessee's~~ the lessee's successors or assigns, within fifteen days after the date of the termination or forfeiture of any ~~such~~ the lease, to have ~~such the~~ the lease surrendered in writing, ~~such the~~ the surrender to be signed by the party making the same, acknowledged, and placed on record in the county where the leased real property is situated without cost to the owner thereof. If the ~~said~~ lessee, ~~his the lessee's~~ the lessee's successors or assigns, ~~shall fail or neglect~~ fails or neglects to execute and record ~~such the~~ the surrender within the time provided for, then the owner of ~~said the~~ the real property may serve upon ~~said the~~ the lessee, ~~his the lessee's~~ the lessee's successors or assigns of record, in person or by registered or certified mail, at ~~his the lessee's~~ the lessee's last known address, or if the post-office address is not shown of record then by publication once a week for three consecutive weeks in a newspaper of general circulation in the county where the real property is situated, a notice in writing in substantially the following form:

To _____: I, the undersigned, owner of the following described land situated in _____ County, North Dakota; ~~to wit:~~ (description of land) upon which a lease dated _____ day of _____ 19____, was given to _____ ~~do hereby~~ notify you that ~~such the~~ the lease has terminated or become forfeited by breach of the terms thereof, that I ~~hereby~~ elect to declare and do declare the ~~said~~ lease forfeited and void and that, unless you do, within twenty days from this date, notify the register of deeds of ~~said the~~ the county as provided by law that ~~said the~~ the lease has not been forfeited, I will file with the ~~said~~ register of deeds a satisfaction of lease as provided by law, and I ~~hereby~~ demand that you execute or have executed a proper surrender of ~~said the~~ the lease and that you put the same of record in the office of the register of deeds of ~~said the~~ the county within twenty days from this date.

Dated this _____ day of _____ 19____.

The owner of ~~said the~~ the real property may after twenty days from the date of service, registration, or first publication of ~~said the~~ the notice, file with the register of deeds of the county where ~~said the~~ the real property is situated a satisfaction of lease setting forth that the affiant is the owner of ~~said the~~ the real property, that the lease has terminated or that the lessee, or ~~his the lessee's~~ the lessee's successors or assigns, has failed ~~and~~

~~or~~ neglected to comply with the terms of ~~said~~ the lease, reciting the facts constituting ~~such~~ the failure and that the same has been forfeited and is void, and setting out in ~~said~~ satisfaction of lease a copy of the notice served, as above provided and the manner and time of the service thereof. If the lessee, ~~his~~ the lessee's successors or assigns, ~~shall within such twenty days after service, give~~ gives notice in writing within twenty days after service to the register of deeds of the county where ~~said~~ the real property is located that ~~said~~ the lease has not been forfeited and that ~~said~~ the lessee, ~~his~~ the lessee's successors or assigns, still claim that ~~said~~ the lease is in full force and effect, then the ~~said~~ satisfaction of lease ~~shall~~ may not be recorded but the register of deeds shall notify the owner of the real property of the action of the lessee, ~~his~~ the lessee's successors or assigns, and the owner of the real property ~~shall be~~ is entitled to the remedies now provided by law for the cancellation of ~~such~~ the disputed lease. If the lessee, ~~his~~ the lessee's successors or assigns, ~~shall not~~ fails to notify the register of deeds, as above provided, then the register of deeds shall record ~~said~~ the satisfaction of lease and thereafter the record of the ~~said~~ the lease ~~shall is~~ is not be notice to the public of the existence of ~~said~~ the lease or of any interest therein, or rights thereunder, and ~~said~~ the record ~~shall may~~ may not be received in evidence in any court of the state on behalf of the lessee, ~~his~~ the lessee's successors or assigns, against the lessor, ~~his~~ the lessor's successors or assigns.

SECTION 24. AMENDMENT. Section 57-09-06 of the North Dakota Century Code is amended and reenacted as follows:

57-09-06. Assessor's statement and return to auditor. The assessor shall add and note the amount of each column in ~~his~~ the assessor's assessment books after making the corrections ordered by the township board of equalization. ~~He~~ The assessor also shall make in each book a tabular statement showing the footings of the several columns upon the page, and shall add and set down under the respective headings the total amount of the several columns. On or before the fourth Monday in April in each year, ~~he~~ the assessor shall make returns to the county auditor of ~~his~~ the assessment books, and shall deliver ~~therewith~~ the lists and statements of all persons assessed, all of which must be filed and preserved in the office of the county auditor. ~~Such~~ The returns must be verified by ~~his~~ the assessor's affidavit substantially in the following form:

STATE OF NORTH DAKOTA)
 County of) ss.
)

I, _____, assessor of _____, ~~do~~ solemnly swear that the book to which this is attached contains a full list of all property subject to taxation in _____ so far as I have been able to ascertain, and that the assessed value set down in the columns opposite the several kinds and descriptions of property in each case is fifty percent of the true and full value of ~~such~~ the property, to the best of my knowledge and belief, except where and as corrected by the township board of equalization, and that the footings of the several columns in ~~said~~ the book, and the tabular statement returned herewith, are correct, as I verily believe.

 Assessor

Subscribed and sworn to before me this _____ day of _____, 19____.

Auditor of _____ County, North Dakota

SECTION 25. AMENDMENT. Section 57-20-05 of the North Dakota Century Code is amended and reenacted as follows:

57-20-05. Certificate of county auditor to tax list. The county auditor shall attach to each tax list his the auditor's certificate in the following form:

STATE OF NORTH DAKOTA)
County of) ss.

I, _____, auditor of _____ county County, state of North Dakota, hereby certify that the following is a correct list of the taxes levied on the real and personal property in the _____ (here name the taxing district or municipality) for the year _____.

Witness my hand and official seal this _____ day of _____, 19____.

(SEAL)

County Auditor-

SECTION 26. AMENDMENT. Section 57-24-20 of the North Dakota Century Code is amended and reenacted as follows:

57-24-20. Form of certificate of sale. The county auditor shall execute to the purchaser a certificate of sale which must be substantially in the following form:

COUNTY CERTIFICATE OF SALE FOR TAXES

I, _____, auditor for the county of _____, in the state of North Dakota, hereby do certify that the following described real estate in said the county and state; to wit: _____ (describing the same), was, on the _____ day of _____ A.D. 19____, sold by me in the manner provided by law for the delinquent taxes of the year 19____ thereon, amounting to _____ dollars, including interest and penalty and costs allowed by law, to _____ of _____, for the sum of _____ dollars, he being the bidder who agreed to accept the lowest rate of interest thereon from the date of sale on the total amount of such the taxes, penalties, and costs as paid by him, and that said the rate of interest which said the purchaser so agreed to accept was _____ percent per annum.

And I further certify that unless redemption is made of said the real estate in the manner provided by law the said _____ or his assignee, will be entitled to a deed therefor on and after the _____ day of _____, 19____, on the surrender of this certificate.

In witness whereof I have hereunto set my hand and seal ~~this~~ _____
~~day of~~ on _____, 19__.

(SEAL)

 Auditor

SECTION 27. AMENDMENT. Section 57-24-24 of the North Dakota Century Code is amended and reenacted as follows:

57-24-24. Form of subsequent tax sale certificate. The county auditor shall execute to the payer of subsequent taxes a subsequent tax sale certificate which must be substantially in the following form:

SUBSEQUENT TAX SALE CERTIFICATE

_____ County, North Dakota

I, _____, county auditor of _____ County in the state of North Dakota, ~~hereby do~~ certify that at the annual tax sale of real estate held on the _____ day of December _____, 19__, the following described real estate ~~to wit:~~ _____ was sold for the taxes of the year _____ to _____ of _____ for the aggregate sum of _____ dollars (\$_____), and there was issued to ~~such~~ the purchaser tax sale certificate No. _____ and that thereafter, the owner of ~~said~~ the tax sale certificate paid subsequent taxes upon said real estate for the year _____ which payment was made on _____ and it is ~~hereby~~ certified that there is due ~~him~~ the owner on account of subsequent taxes for said year, the sum of _____ dollars (\$_____), together with interest at nine percent (9%) per annum from _____, and that unless redemption ~~shall be~~ is made from this subsequent tax sale certificate within three (3) years from December _____, 19__, ~~he~~ the owner will be entitled after due notice given, to a tax deed conveying to ~~him~~ the owner the ~~said~~ real estate.

Given under my hand and the seal of the county auditor of _____ County, North Dakota, ~~this~~ _____ day of on _____, 19__.

 County Auditor of _____ County

⁵² **SECTION 28. AMENDMENT.** Section 57-25-05 of the North Dakota Century Code is amended and reenacted as follows:

57-25-05. Procedure on payment of tax or redemption of portion of tract. Upon payment by the petitioner of the amount as finally apportioned, a tax receipt or certificate of redemption, or both, as the case may be, must be issued to ~~such~~ the petitioner by the county auditor. If there are outstanding tax certificates, the proper amount of the proceeds of ~~such~~ the redemption must be paid to the holders of ~~such~~ the certificates. The original certificate or certificates must be deposited with, and canceled by, the county auditor, and ~~he~~ the auditor shall issue in lieu thereof a tax

⁵² Section 57-25-05 was also amended by section 20 of Senate Bill No. 2334, chapter 503.

sale certificate, which must be entitled "substitute tax sale certificate", and which must be in substantially the following form:

SUBSTITUTE TAX SALE CERTIFICATE

I, _____, auditor of the county of _____ in the state of North Dakota, ~~do hereby~~ certify that the following described real estate situated in ~~said the~~ county and state ~~to wit:~~ _____, together with other real estate, on ~~the~~ _____ day of _____, 19____, was sold by me in the manner provided by law for the delinquent taxes thereon for the year _____ to _____, he being the bidder who agreed to accept the lowest rate of interest thereon from the date of sale upon the amount of taxes, penalties, and interest paid by him, that the rate of interest which ~~said the~~ purchaser agreed to accept was _____ percent per annum, that thereafter redemption was made from said tax sale of a portion of the real estate then sold to ~~said the~~ purchaser, that redemption of the above described real estate was not made, and I further certify that unless redemption of ~~such the~~ real estate is made in the manner provided by law the said _____ or his assigns will be entitled to a deed of the property above described ~~on and after the~~ _____ day of _____, 19____, on the surrender of this certificate, and I further certify that there remains due and unpaid upon this certificate the sum of \$_____ together with interest thereon at _____ percent per annum from _____ day of _____, 19____.

In witness whereof I have hereunto set my hand and the seal of the county auditor of ~~said the~~ county this _____ day of _____, 19____.

County Auditor of _____ County

Such substitute certificate has the same force and effect as the original certificate as to property covered thereby. The county treasurer and county auditor shall make the proper entries in the tax records of their offices showing the payment of the taxes and the cancellation of the original certificate and the issuance of the substitute tax certificate.

SECTION 29. AMENDMENT. Section 57-27-06 of the North Dakota Century Code is amended and reenacted as follows:

57-27-06. Form of tax deed. A tax deed must be substantially in the following form:

TAX DEED

Whereas _____, did on ~~the~~ _____ day of _____, 19____, produce to the undersigned _____, county auditor of the county of _____, in the state of North Dakota, a certificate of tax sale, No. _____, bearing the date of ~~the~~ _____ day of _____, 19____, signed by _____, who on that date was the county auditor of ~~said the~~ county, from which it appears that _____ did on ~~the~~ _____ day of _____, 19____, purchase at public auction at the regular tax sale of that year the tract, parcel, or lot of land in this indenture described, and which was struck off and sold to _____ for the sum of _____ dollars, that being the total amount of taxes, penalties, and costs charged against ~~said the~~ land, including any personal taxes specified in the lists and advertisement, constituting a lien thereon for the year, or years, 19____; ~~to wit:~~

_____ (describe lands) _____, and that ~~the said~~ _____ did at the time and place of ~~said~~ public auction, as a part of his bid, agree to accept the lowest rate of interest on the amount of ~~such~~ the taxes, penalties, and costs so paid by him; ~~to wit:~~ the rate of _____ percent per annum, and it appearing that ~~the said~~ _____ is the legal owner of the ~~said~~ certificate of tax sale, and the time allowed by law for redeeming the land herein described having expired, and proof of legal notice of the expiration of the period of redemption having been filed in the office of the county auditor prior to the maturity of ~~such~~ the certificate as provided by law, and ~~said~~ the land not having been redeemed from ~~such~~ the sale pursuant to law, and ~~the said~~ _____ having demanded a deed for the tract of land mentioned in ~~said~~ the certificate, and it appearing that ~~said~~ the lands were legally liable for taxation, and had been assessed and properly charged on the tax book or duplicate for the year or years ~~19~~____, and that ~~said~~ the lands had been advertised legally for taxes and were sold on the _____ day of _____, ~~19~~____, to ~~the said~~ _____.

Now, therefore, this indenture, made ~~this~~ _____ day of ~~on~~ _____, ~~19~~____, between the state of North Dakota by _____ as county auditor of the ~~said~~ county, party of the first part, and ~~the said~~ _____, party of the second part:

WITNESSETH, That the ~~said~~ party of the first part, for and in consideration of the premises and the amount so bid and paid at ~~such~~ the tax sale, has granted, bargained and sold, and by these presents does grant, bargain, sell, and convey unto the ~~said~~ party of the second part, ~~his~~ the party's heirs and assigns, forever, the tract or parcel of land mentioned in ~~said~~ the certificate and described as follows ~~to wit:~~ _____ in _____ County, state of North Dakota.

TO HAVE AND TO HOLD ~~said~~ the mentioned lands, with the appurtenances thereto belonging, to the ~~said~~ party of the second part, ~~his~~ the party's heirs and assigns, forever, in as full and ample manner as the ~~said~~ county auditor of the ~~said~~ county of _____ is empowered by law to sell the same.

IN TESTIMONY WHEREOF, ~~the said~~ _____, as county auditor of the ~~said~~ county of _____, North Dakota, hereunto has set his hand and the seal of the ~~said~~ county, on ~~the~~ _____ day of _____, ~~19~~____.

(SEAL)

County Auditor of _____
County, North Dakota:

SECTION 30. AMENDMENT. Section 57-27-07 of the North Dakota Century Code is amended and reenacted as follows:

57-27-07. Assignment of certificate for land bid in by county. At any time after any property has been bid in for the county, unredeemed, and not subject to a tax deed to the county, the county auditor may assign all of the rights of the county in the property to any person, other than the county auditor, county treasurer, or their deputy or clerk. The assignee shall pay the amount that was bid for the property, interest from the date of the tax sale at the rate of six percent per annum, and the amount of any later delinquent taxes. The county auditor shall execute an assignment for each certificate which may be in substantially the following form:

I, _____, auditor of the county of _____, state of North Dakota, ~~hereby do~~ certify that at the sale of real estate for the delinquent taxes thereon for the county of _____ and state aforesaid, which sale was held at the _____ in ~~said the~~ county of _____ on the _____ day of _____, A.D. 19____, for the taxes of the year _____, the following described piece or parcel of land situated in ~~said the~~ county of _____, state of North Dakota; ~~to wit:~~ (insert description) was offered for sale to the best bidder, and no one bidding upon ~~such the~~ offer, the same then was bid in for the county for the sum of _____ and the same still remaining unredeemed, and _____, on this day, having paid into the treasury of ~~said the~~ county, the amount for which the same was bid in with interest thereon, and all subsequent delinquent taxes, amounting in all to _____ dollars, therefore, in consideration thereof, and pursuant to law, I ~~hereby do~~ assign and convey all the ~~right~~ rights, title, and interest of ~~said the~~ county to ~~said the~~ piece or parcel of land acquired therein at ~~said the~~ sale to ~~the said~~ _____, his heirs and assigns, subject to redemption as provided by law.

And I further certify that unless redemption of ~~said the~~ real estate is made in the manner provided by law, ~~the said~~ _____ or his assigns, will be entitled to a deed therefor on and after the expiration of the time for redemption, as provided by law, and upon the surrender of this certificate.

In witness whereof I ~~hereunto~~ have set my hand and seal ~~this~~ _____ day of on _____, 19____.

County Auditor of _____
County, North Dakota:

SECTION 31. AMENDMENT. Section 57-27-08 of the North Dakota Century Code is amended and reenacted as follows:

57-27-08. Provision of deed in case grantee is assignee of county. In case the land has been bid in for the county, and the certificate has been assigned to another holder, the language of ~~such the~~ deed inappropriate to ~~such the~~ sale must be stricken out, and the following inserted in lieu thereof:

Offered for sale to the bidder who agreed to accept the lowest rate of interest on the amount of ~~such the~~ taxes, penalties, and costs charged against the land, the following described tract or parcel of real property; ~~to wit:~~ _____ (describe property) _____ which property was returned delinquent for the nonpayment of taxes for the year 19____, amounting to _____ dollars, including penalty and costs charged against ~~said the~~ land, including personal property taxes specified in the list and in the advertisement, constituting the lien thereon, and no one bidding upon ~~such the~~ offer an amount equal to that for which ~~said the~~ piece or parcel of land was subject to be sold, the same was bid in for the county. And it appearing by ~~said the~~ certificate that the right, title, and interest of the county in ~~said the~~ tract or parcel of land acquired at ~~said the~~ sale, on the _____ day of _____, 19____, was assigned to _____, for the sum of _____ dollars, that being the amount due thereon at that time.

SECTION 32. AMENDMENT. Section 57-27-09 of the North Dakota Century Code is amended and reenacted as follows:

57-27-09. Provision of deed in case of assignment by original purchaser. In case the certificate of tax sale is assigned by the purchaser, then a statement must be inserted in ~~such~~ the tax deed briefly describing the assignment of ~~such~~ the certificate, in substantially the following form:

Which ~~said~~ the certificate of tax sale issued to ~~said~~ _____, purchaser at ~~said~~ the tax sale, and the ~~right~~ rights, title, and interest of the ~~said~~ purchaser in ~~said~~ the tract or parcel of land acquired ~~thereby~~ at ~~said~~ the sale, on ~~the~~ _____ day of _____, 19____, was assigned to _____.

⁵³ **SECTION 33. AMENDMENT.** Section 57-28-05 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-28-05. Form of notice for service by certified mail. The notice of the expiration of the period of redemption which the county auditor is required to serve by certified mail must be substantially in the following form:

NOTICE OF EXPIRATION OF PERIOD OF REDEMPTION

To _____, the owner of the record title of the real estate hereinafter described, and to all mortgagees, lienholders, and other persons interested in ~~said~~ the real estate:

I, _____, county auditor of _____ County, North Dakota, ~~hereby~~ give notice that the real estate hereinafter described, at the annual tax sale held in the county on ~~the~~ _____ of December _____, 19____, was offered for sale for delinquent taxes against it for the year _____ and was sold to the county, that subsequent tax sale certificates have been issued to the county for the years hereinafter set forth, that more than three years have expired since the date of each of ~~said~~ the tax sale certificates, that no redemption has been made therefrom, and that the same still are the property of ~~such~~ the county, and unless redemption is made from each of ~~said~~ the tax sale certificates on or before October first, after the date of this notice, tax deeds will be issued to the county, granting to and vesting in it, the absolute title in fee to ~~said~~ the real property, subject, however, to the lien for installments of special assessments certified or to be certified to the county auditor or which may become due subsequent to the time of service of this notice, and foreclosing all rights of redemption, and all other rights of the owner, mortgagees, lienholders, and other persons interested therein, as may appear from the records of the register of deeds and the clerk of the district court of ~~said~~ the county. There is given herewith the description of ~~such~~ the parcels of real estate, and set opposite each description is the amount which will be required upon the date of the expiration of the period of redemption to redeem ~~such~~ the real estate from ~~such~~ the original and each subsequent tax sale certificate issued to the county, exclusive of the cost of service of this notice.

⁵³ Section 57-28-05 was also amended by section 25 of Senate Bill No. 2334, chapter 503.

~~Said~~ The property is described as follows, with the amount required to redeem ~~set~~ out opposite each description; ~~to~~ wit:

Given pursuant to authority of law this _____ day of _____, 49__.

County auditor of _____ County, North Dakota.

⁵⁴ **SECTION 34. AMENDMENT.** Section 57-28-07 of the North Dakota Century Code is amended and reenacted as follows:

57-28-07. Form of notice for publication. The notice of the expiration of the period of redemption to be served by publication must be substantially in the following form:

I, _____, county auditor, of _____ County, North Dakota, ~~hereby do~~ give notice that the real estate hereinafter described was sold to the county at the annual tax sale on December _____, 49__, for delinquent taxes, that subsequent tax sale certificates have been issued to the county, that more than three years have expired since the date of each of ~~said the~~ tax sale certificates, that no redemption has been made therefrom, that the same still are the property of this county, and that unless redemption ~~shall be~~ is made from ~~such the~~ tax sale, on or before October first after the date of this notice, the same will become the absolute property in fee of this county, subject, however, to the lien for installments of special assessments certified or to be certified to the county auditor or which may become due subsequent to the time of service of this notice, and the former owner thereof, mortgagees, lienholders, and other persons interested therein will be forever foreclosed and barred from asserting any further rights to ~~such the~~ real estate whatsoever. The following is a list of the real estate sold at ~~such the~~ tax sale on which the period of redemption will expire on October first. Opposite each description of ~~such the~~ real estate appears any street address of the property, the name of the owner of the record title thereof, and the amount which must be paid to redeem from ~~such the~~ tax sale before the period of redemption expires. ~~Said The~~ sum includes the amount for which ~~said the~~ land was sold, together with subsequent delinquent taxes for _____ and prior years, and interest, penalties, and cost of service. (List descriptions, names of owners, and amount necessary to redeem.)

Given pursuant to authority of law this _____ day of _____, 49__.

The failure to include the street address in the notice does not affect the validity of the notice.

SECTION 35. AMENDMENT. Section 57-28-16 of the North Dakota Century Code is amended and reenacted as follows:

⁵⁴ Section 57-28-07 was also amended by section 27 of Senate Bill No. 2334, chapter 503.

57-28-16. Form of deed to purchaser. The deed which the county shall execute and deliver to the purchaser must be substantially in the following form:

COUNTY DEED

This indenture made ~~this~~ _____ day of ~~on~~ _____, _____, between the county of _____, North Dakota, party of the first part, and _____, party of the second part, witnesseth:

WHEREAS, the real property hereinafter described was acquired by the county through tax deed proceedings for the nonpayment of taxes levied and extended against ~~said~~ the property for the years of 19__ to 19__ inclusive, with interest and penalties, amounting to the sum of _____ dollars; and

WHEREAS, ~~said~~ the real property was offered for sale, and sold, pursuant to authority of law, on ~~the~~ _____ day of _____, 19__, and at ~~said~~ the sale, ~~said~~ the second party became the purchaser of the whole thereof, for the sum of _____ dollars, which has been paid in full;

NOW, THEREFORE, the ~~said~~ county as party of the first part, in consideration of the premises, and pursuant to authority of law, hereby does grant, bargain, sell, and convey to the second party, ~~his~~ the second party's heirs and assigns, that certain real property situated in ~~said~~ the county of _____, North Dakota, described as follows; ~~to wit~~:

To have and to hold the above described real property with all of the appurtenances thereunto belonging to the ~~said~~ party of the second part, _____ heirs and assigns forever.

IN WITNESS WHEREOF _____ and _____, as chairman of the board of county commissioners and county auditor, respectively, of said county, hereby do set their hands the day and year first above written and do cause the seal of said county to be affixed thereto.

_____ County,
North Dakota-

Chairman, board of county commissioners-

County auditor-

STATE OF NORTH DAKOTA

County of _____

On this _____ day of _____, 19__, personally appeared before me, a notary public within the aforesaid county and state, _____ and _____, to me personally known to be the chairman of the board of county commissioners and the auditor, respectively, of said county, and acknowledged to me that they executed the foregoing deed for and on behalf of said county.

My commission expires _____. Notary Public, for _____ County, North Dakota.

SECTION 36. AMENDMENT. Section 58-16-03 of the North Dakota Century Code is amended and reenacted as follows:

58-16-03. Assessment and levy upon property - Form. The board of township supervisors shall assess and levy upon each lot or parcel of land along which the sidewalk has been built by the township a sum sufficient to cover the cost of the construction thereof, and shall assess and levy against each lot or parcel of land benefited by the installation of streetlights by the township. The assessment must be in substantially the following form:

The board of supervisors of the township of _____ ~~does hereby assess~~ assesses upon and ~~levy~~ levies against the several parcels of land hereinafter described the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of a _____ sidewalk or streetlights along the _____ side of _____ to _____ in accordance with the resolution of the board of township supervisors passed the _____ day of on _____, 19____, and duly published in _____ on the _____ days of _____, 19____. The amount assessed against and levied upon each lot or parcel being the amount that it cost to construct or reconstruct ~~such~~ the sidewalk along and fronting upon the same lot or parcel of land. When streetlights are installed the cost of ~~such~~ the installation ~~shall~~ must be assessed and levied against all lots or parcels of land that benefit from the streetlights.

Name of Owner, if known	Description of land		Amount	
	Lot	Block	Dollars	Cents

Done at a meeting of the board of supervisors of the township of _____ this _____ day of on _____, 19____.

Chairman

Attest:

Township Clerk:

SECTION 37. AMENDMENT. Section 60-02-13 of the North Dakota Century Code is amended and reenacted as follows:

60-02-13. Purchase by warehouseman - Form of receipt. There may be printed on each warehouse receipt issued by a warehouseman a receipt executed by the owner for use in case the grain represented thereby is purchased by ~~such~~ the warehouseman. The warehouseman shall record ~~such~~ the purchase, as to the amount paid per bushel, on the stub record or copy of its warehouse receipt books. ~~Such~~ The receipt ~~shall~~ must be in substantially the following form:

Received from _____, _____ dollars and _____ cents net, in full payment for the grain represented by this warehouse receipt. Gross price per bushel _____, storage per bushel _____, net price per bushel _____. I ~~hereby~~ certify that I am the owner of the grain for

which this receipt was issued, and that there are no liens, chattel mortgages, or other claims against the grain represented by this receipt.

Dated _____ 19₁ __. Signed _____ Owner.

Nothing in this section contained ~~shall~~ may be construed to affect in any manner the conditions of the storage contract specified in sections 60-02-17 and 60-02-18.

SECTION 38. AMENDMENT. Section 61-05-15 of the North Dakota Century Code is amended and reenacted as follows:

61-05-15. Form of notice of election. The notice of election provided for section 61-05-14 ~~shall~~ must be substantially in the following form:

NOTICE OF ELECTION

Notice is ~~hereby~~ given that on the _____ day of _____, 19____, an election will be held for the purpose of submitting to the electors within the territory established and described by the order of the state engineer as _____ irrigation district, the question as to whether ~~or not~~ the order of the state engineer establishing ~~such~~ the irrigation district ~~shall~~ be is approved. Notice is ~~hereby~~ given that the lands of ~~such~~ the district are fully described in the order of the state engineer establishing the district and filed in the state engineer's office ~~at the state capitol~~ in Bismarck, North Dakota, and in the office of the county auditor of _____ County, North Dakota. The ballot ~~will~~ must be in the following form:

FOR IRRIGATION DISTRICT

Yes
No

Notice is further given that a board consisting of _____ directors will be elected, one from each district division, who will serve as provided by law after the establishment of the district is approved. Polls will be open from one p.m. to seven p.m. Notice is further given that any elector desiring to be a candidate for the office of district director and have the elector's name appear on the ballot must file the elector's request in writing with the state engineer not less than twenty days before the ~~said~~ election.

Dated this _____ day of _____ 19₁ _____.
Signed _____
State Engineer.

SECTION 39. AMENDMENT. Section 61-06-10 of the North Dakota Century Code is amended and reenacted as follows:

61-06-10. Notice of election after district is organized - Contents - Form. Within thirty-five days of, but at least twenty-five days prior to, any regular or special election held in an irrigation district, the secretary of the board of directors shall ~~cause~~ publish a notice of the election ~~to be published~~ in the newspaper or newspapers of general circulation where the district is located and in the official newspaper of each county in which the district is located. The notice ~~shall~~ must specify the matters to be voted upon, the location of the polling place or places, and the time of their opening and closing. ~~Such~~ The notice ~~shall~~ must be in substantially the following form:

~~NOTICE hereby~~ Notice is given that on the _____ day of _____, 49__, an election will be held at _____ (here designate the polling place) for the purpose of electing _____ members of the board of directors and for the purpose of voting upon ~~such the~~ questions as shall be submitted by the directors of the district. Polls will be opened at one p.m. and will be closed at five p.m. of that day. Notice is further given that any elector desiring to have the elector's name appear on the ballot must file a request in writing with the secretary of the district not less than twenty days before the election.

SECTION 40. AMENDMENT. Section 61-24-03 of the North Dakota Century Code is amended and reenacted as follows:

61-24-03. Election of directors of the Garrison diversion conservancy district.

A director of the Garrison diversion conservancy district ~~shall~~ must be nominated and elected in each county in the district. Any person who is a resident and qualified elector of the county who aspires to the office of director of the Garrison diversion conservancy district shall, not more than seventy days or less than sixty days and before four p.m. of the sixtieth day ~~prior to~~ before any primary election preceding a general election at which a director of the district is to be elected, present to the county auditor a petition giving that person's name, post-office address, the title of the office "Director of the Garrison Diversion Conservancy District", and containing the signatures of not less than fifty nor more than three hundred qualified electors of the county to which each signer has added the signer's residence with street number, if any, and the date of signing.

The petition must be accompanied by an affidavit substantially as follows:

STATE OF NORTH DAKOTA,
County of _____

I, _____, being ~~duly~~ sworn, ~~depose and~~ say that I reside in the county of _____ and State of North Dakota; that I am a qualified elector therein; that I am a candidate for nomination to the office of director of the Garrison Diversion Conservancy District to be chosen at the primary election to be held on the _____ day of _____, 49__, and I ~~do hereby~~ request that my name be printed upon the no-party primary election ballot as provided by law, as a candidate for ~~said the~~ the office.

Subscribed and sworn to before me ~~this~~ _____ day of on _____, 49__.

Notary Public; ~~North Dakota~~

Upon receipt of the petition the county auditor shall without fee place the name of the aspirant on the no-party primary election ballot as a candidate for the aforesaid office of director. The two candidates receiving the highest number of votes if more than two are running ~~shall be~~ are nominated.

The names of the candidates so nominated at the primary election must be placed on the no-party ballot at the ensuing general election and the candidate receiving the highest number of votes ~~shall be~~ duly is elected.

At the primary and general elections votes must be canvassed, returned certified, and certificates of nomination and election issued in the manner provided by law for the nomination and election of county officers.

SECTION 41. AMENDMENT. Section 61-24.5-06 of the North Dakota Century Code is amended and reenacted as follows:

61-24.5-06. Election of county directors of the southwest water authority.

Any person who is a resident and qualified elector of the county, who aspires to the office of director of the southwest water authority, shall, not more than seventy nor less than sixty days and before four p.m. of the sixtieth day before any primary election preceding a general election at which a director of the authority is to be elected, present to the county auditor a petition giving that person's name, post-office address, and the title of the office of the southwest water authority to which that person is seeking election. The petition must contain the signatures of not less than two percent of the qualified electors of the county as determined by the number of votes cast in the county for the office of director of the southwest water authority at the most recent preceding election at which the office of director of the southwest water authority was voted upon. Each signer of the petition shall include with that signer's name that signer's mailing address.

The petition must be accompanied by an affidavit substantially as follows:

STATE OF NORTH DAKOTA)
 County of _____) ss.

I _____, being ~~duly~~ sworn, ~~depose and~~ say that I reside in the county of _____ and State of North Dakota; that I am a qualified elector therein; that I am a candidate for the office of director of the Southwest Water Authority to be elected at the primary election to be held on the _____ day of _____, 19____, and I ~~do hereby~~ request that my name be printed upon the no-party primary election ballot as provided by law, as a candidate for ~~said~~ the office.

Subscribed and sworn to before me this _____ day of _____, 19____.

 Notary Public; ~~North Dakota~~

Upon receipt of the petition, the county auditor shall without fee place the name of the aspirant on the no-party primary election ballot as a candidate for the office of director. The candidate receiving the highest number of votes is elected.

At the primary election, votes must be canvassed, returned certified, and certificates of election issued in the manner provided by law for the election of county officers.

SECTION 42. AMENDMENT. Section 61-24.5-07 of the North Dakota Century Code is amended and reenacted as follows:

61-24.5-07. Election of city directors of the southwest water authority.

Any person who is a resident and qualified elector of the city of Dickinson who aspires to the office of director of the southwest water authority shall, at least sixty days and before five p.m. on the sixtieth day ~~prior to~~ before the ~~holding of the~~ election, file with the city auditor a petition signed by not less than ten percent of the number of

qualified electors who voted for that office in the last city election, except that the petition for the first ~~such~~ election must be signed by not less than two hundred qualified electors. Signers of a petition must reside within the corporate limits of the city, and each signer of the petition shall include with the signer's name the signer's mailing address. The petition must include the candidate's name, post-office address, and the title of the office of the southwest water authority for which the candidate is seeking election.

The petition must be accompanied by an affidavit substantially as follows:

STATE OF NORTH DAKOTA)
City of Dickinson) ss.

I _____, being ~~duly~~ sworn, ~~depose and~~ say that I reside in the city of Dickinson and State of North Dakota; that I am a qualified elector therein; that I am a candidate for the office of director of the Southwest Water Authority to be elected at the municipal election to be held on ~~the~~ _____ day of _____, 19____, and I ~~do hereby~~ request that my name be printed upon the election ballot as provided by law, as a candidate for ~~such~~ the office.

Subscribed and sworn to before me ~~this~~ _____ day of _____, 19____.

Notary Public, ~~North Dakota~~

Upon receipt of the petition the city auditor shall without fee place the name of the aspirant on the election ballot as a candidate for the office of director. The candidate or candidates, depending on whether one or two directors are being elected, receiving the highest number of votes are elected. The provisions of chapter 40-21 govern the election of directors from the city of Dickinson for the southwest water authority.

Approved March 8, 1999
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